



T H E  
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JOURNAL of the PROCEEDINGS and DEBATES in the  
POLITICAL CLUB, continued from Page 440.

In order to vary the Subject, I shall now give you an Account of two long Debates we had in our Club, upon a very new and extraordinary Question; but must first give a short Account how it was occasioned. Towards the End of last Session of Parliament a Bill was brought in and passed by the Commons, intituled, An Act to make it High Treason to hold Correspondence with the Sons of the Pretender to his Majesty's Crown. This Bill being sent up to the Lords, a Clause was there offered, for attainting them of High Treason, in Case they should land, or attempt to land in Great Britain, or any of the Dominions thereunto belonging; which Clause was agreed to by their Lordships without any Opposition. At the same Time another Clause was offered, for suspending the Operation and Effect of a Clause in the Act of the 7th Year of the late Queen Anne, for improving the Union of the two Kingdoms, relating to the Forfeitures for High Treason, until after the Decease of the Sons of the said Pretender. This Clause met

with great Opposition in the House of Lords \*, and in the House of Commons it was violently opposed even by those very Gentlemen who had first brought in the Bill; for which Reason we resolved to have the Question fully debated in our Club, for two distinct Days, and in two distinct Capacities. In the first Day's Debate, it was opened by Q. Fabius Maximus, in the Character of the Lord Bathurst, who spoke to this Effect:

My Lords,



HAVING been so lucky, with regard to the Clause I have just offered, as to meet with your Lordships Approbation, it encourages me to offer you another, which I think equally necessary to be added to this Bill; but before I offer this other Clause, I must explain how our Laws stand at present with regard to Treason, because from thence the Necessity of the Clause I am to offer will manifestly appear. By the Laws of this Country for many Ages, nay,

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\* See London Magazine for May last, p. 234.

I believe, ever since we had any written and established Laws, the Punishment of High Treason was a Forfeiture of Life, Lands, Titles, and Goods: Even the Family was in a Manner extinguished, because, the Blood being corrupted, the Children of the Traitor could inherit nothing from their Ancestors, nor be deemed so much as Gentlemen, unless restored in Blood. These severe Punishments were of old thought necessary, to prevent the Peace of the Society's being disturbed, or our Government's being overtuned, by the Ambition or Resentment of our great Barons; but when Property came to be more generally divided, and especially after our military Tenures were dissolved, we became much less exposed to these Dangers, and therefore it became unnecessary to continue these severe, and, I may say, hereditary Punishments; I say, hereditary, because the innocent Son may, in some Measure, be said to inherit the Punishment of the guilty Father. However, during the Reigns of the Kings *Charles* and *James* the 2d, the Government was in such Danger from the republican Spirit that had spread itself over the whole Kingdom in the former Reign, and during the Usurpation which followed, that it was not thought proper to mitigate the Punishment of this Crime; and during the Reign of King *William*, our Government was so often threatned, and so much in Danger of being disturbed by the *Jacobite* Spirit then prevailing in several Parts of the Kingdom, that no Mitigation could be then admitted. Even during the first five or six Years of Queen *Anne*, as our neighbouring Kingdom of *Scotland* had not adopted the Settlement made here, and seemed to have an Eye towards *St. Germans*, it was not proper to introduce any Alteration in this Respect; but in the 7th Year of that Princess's Reign, the Union of the two Kingdoms being then completed, and the Protestant Suc-

cession established in both, it was thought something might be attempted for securing the Subject against those Punishments, by which many of our best Families had been ruined, and reduced from being the most noble, to be of the lowest Rank of Men in the Kingdom, on Account of one single rash Step in some one of their Ancestors.

Accordingly, Sir, in that Year, a Statute was passed, by which it was enacted, That after the Decease of the Pretender, and at the End of three Years after the Succession of the Crown, by the Demise of the Queen should take Effect, no Attainder for Treason should disinherit any Heir, nor prejudice the Right of any Person, other than the Right of the Offender during his natural Life. From these Words your Lordships will see, that even at that Time it was not thought proper, that this Punishment should be mitigated, as long as our Government should be in Danger of being disturbed by the *Jacobites*: And as the Pretender had actually set up a Claim to the Crown of these Realms, and had the very Year before made an Attempt to invade these Kingdoms with a *French* Army, in order to prosecute that Claim by Force of Arms, therefore Care was taken, that this new Law should not take Effect till after his Decease: So careful was the Parliament at that Time not to do any Thing that might weaken the Protestant Succession, or give any Hopes of Success to its open or secret Enemies; and now that it has been threatned by a new Pretender, I hope, your Lordships will shew yourselves no less careful.

The Son of that Pretender, my Lords, tho' his Father be still alive, has now set up a Claim to the Throne of these Kingdoms; and your Lordships have had sufficient Proofs laid before you, that he has been



been received and encouraged by the *French* King, and that a very great Armado was prepared at the most adjacent Port of *France*, for making an Invasion upon this Kingdom in his favour. This vast Expence, we may be convinced, the *French* would not have put themselves to, if they had not been well assured of being powerfully supported by the *Jacobite* Party in *England*, from whence we must conclude, that tho' that Party has for some Years had Wisdom enough to lie dormant, yet they are not so contemptible as their late Conduct has made some People believe them to be, nor have they yet lost Hopes of being one Day able to overturn our present happy Establishment. Like the Lion who conceals himself in the Brake, till the unwary Traveller comes within his Reach, they may for a Time conceal themselves under some of our Party Distinctions; but tho' we neither see them nor hear them rustle, it is no Reason for our neglecting, or throwing aside, any Weapon proper for our Defence; because we may depend on it, that they will take the first Opportunity to spring upon us, and tear our happy Constitution to Pieces. Therefore we can never be too much upon our Guard, nor ought, we, during this young Pretender's Life at least, to part with that in which consists our chief Defence. We have now certainly the same Reason to guard against him, that we had, in the Year 1709, to guard against his Father, and therefore the Effect or Operation of the Law I have mentioned ought, I think, to be suspended till after the Death of the Son, as well as that of the Father.

This, my Lords, is the Intention of the Clause I am now to offer, and as, I hope, it will not be opposed, I need not, I think, say any Thing further in its Recommendation; therefore shall conclude with reading it to your Lordships as fol-

lows: ' And whereas in and by the said recited Act of the 7th Year of the Reign of her said late Majesty Queen *Anne*, it is provided and enacted, That after the Decease of the Person who pretended to be Prince of *Wales*, during the Life of the late King *James*, and since pretends to be King of *Great Britain*; and at the End of the Term of three Years after the immediate Succession to the Crown, upon the Demise of her said late Majesty, should take Effect, no Attainder for Treason should extend to the disheriting of any Heir, nor to the Prejudice of the Right or Title of any Person or Persons, other than the Right or Title of the Offender or Offenders, during his, her, or their natural Lives only; and that it should and might be lawful to every Person or Persons, to whom the Right or Interest of any Lands, Tenements, or Hereditaments, after the Death of any such Offender or Offenders, should or might have appertained, if no such Attainder had been, to enter into the same, Be it further enacted by the Authority aforesaid, That the said Provision so made by the said last recited Clause, shall not take Place, nor have any Operation, Force, or Effect whatsoever, until after the Deceases, not only of the said Pretender, but also of his eldest, and all and every other Son and Sons.'

The next that spoke was C. Plinius Cæcilius, in the Character of the Lord Chancellor, who spoke in Substance as follows, viz.

My Lords,

WHEN I first heard of this Bill's being brought into the other House, I made no doubt of seeing such a Clause in it as that we have just agreed to, and likewise such a Clause as the noble Lord has now proposed; and when I consider the Character of the Honourable

Gentlemen who were its Patrons in the other House, and their known Attachment to our present Royal Family, I must say, I was surpris'd, when I saw it brought up to your Lordships without either of those Clauses in it. The Neglect I must impute to the Hurry they were in, and not to any Want of Zeal for our present happy Establishment. In them therefore it was a mere Oversight, but if we should have neglected the adding of such Clauses, it would have been a Sign of our having very little Concern for the Safety of our Constitution, or the Security of our Sovereign; and now that this Clause is offer'd, I hope, it will not be refused; for our rejecting such a Clause, after being once offer'd, would, in my Opinion, be one of the greatest Encouragements we could give to the Pretender and his Adherents; because they would look upon it as a Proof of the Majority of this House's being become disaffected to the Royal Family now upon our Throne.

My Lords, as the Law now under our Consideration was certainly, or at least will be, when it takes Effect, a most beneficial Law for the Subject, and a most desirable Regulation for securing the Preservation of our great Families, we must suppose, that the only Motives that induced the Parliament, in 1709, to delay the Time of its beginning to be in Force, were the Pretender's having actually set up his Claim to the Crown of these Realms, his being patronis'd in that Claim by the *French* King, and his having attempted to vindicate his Claim by Force of Arms. These, and these alone, were their Motives for suspending the Effect of such a beneficial Law, till after the Pretender's Death; and have we not now the very same Motives in every Respect with regard to his Son? Has not he actually set up his Claim to our Crown? Has not he been openly received and patronis'd by the *French* King? Has not he very lately made

an Attempt to invade these Kingdoms? Can we then refuse to do what the Parliament readily agreed to in 1709? We cannot, my Lords, without shewing that we have less Concern for the Security of the Protestant Succession than that Parliament had; for if we have an equal Concern, the same Causes must produce the same Effect.

I know, my Lords, it may be said, that if any Person's pretending to have a Right to our Crown be a good Reason for suspending the Effect of this salutary Law, it must in all Probability remain for ever suspended; because, besides the Pretender and his two Sons, there are a great many Families in *Europe*, who pretend to have a Right anterior to the illustrious Family now by great Providence in Possession, which Pretension they found upon that ridiculous, antiquated and exploded Doctrine of indefeasible hereditary Right. But it is not this Doctrine that makes the present Pretender and his Sons formidable: It is their being look'd on as *Englishmen*, and as the lineal Representatives of our antient Royal Family. If the present Pretender's Family were once extinct, which, for the Sake of my Country, I must wish may soon happen, the other Families would find but few Adherents in this Kingdom upon the Principle of indefeasible hereditary Right; it being now generally known, and expressly admitted, for no Man dares expressly deny it, that the King of *England*, by Authority of Parliament, can make Laws to limit and bind the Crown, and the Descent and Government thereof. Therefore no other Family's pretending a Right to our Crown can afford an equal good Reason for suspending the Effect of this Law. Besides, my Lords, there is a very great Difference between a bare Pretension, and a Claim actually set up, there being always more

Danger



Danger to be apprehended from the latter than from the former; and if the present Pretender and his Progeny were extinct, whatever Pretensions other Families may have, I believe, no one of them would venture to bring the Resentment of the *British* Nation upon them by setting up their Claim. They have all something to lose, and, consequently, would not venture the Substance for the Sake of catching at the Shadow: Whereas the present Pretender and his Family have nothing to lose: They can be brought no lower than they are, consequently they can risk nothing by setting up their Claim; and as they will always have a great Number of secret Adherents in this Kingdom, especially among the Populace, for the Reason I have already assigned, we shall always be in greater Danger from that Family than from any other. Even from that Family the Danger will in every Generation diminish; because they will at last, perhaps the very next Generation of them will be considered by our People here at home, as a foreign Family, consequently they will have few or no Friends in this Country, and to guard against their foreign Friends we shall have no Occasion to suspend the Effect of this Law.

Thus your Lordships must see, that there can be no Weight in the Objection I have stated: No one can determine absolutely about future Events; but, in my Opinion, we can have no Occasion for suspending the Effect of this Law longer than what is proposed by the Clause now offered to you; and as by all Accounts the present Pretender's Life seems to be as good a Life almost as that of either of his Sons, I cannot think the Suspension now proposed so material as to afford a Reason for our giving such an Encouragement to the *Jacobites* at home, and their Friends abroad, as would necessarily result from our

rejecting the Clause now offered to us.

Before I sit down, my Lords, I must observe, that none of the other Benefits to be acquired to the Subject by this Act of the 7th of Queen *Anne*, are to be in the least incroached on by the Clause now before us. The Clause by which it is enacted, That after the Decease of the Pretender, a Copy of the Indictment for Treason, and a List of the Witnesses for proving it, and the Names of the Jury and their Professions, and where they dwell, shall be delivered to the Party indicted, in the Presence of two Witnesses, ten Days before the Trial: This Clause, I say, is not to be in the least altered, nor am I for having it altered; because, I think, there is a very great Difference between terrifying Men by severe Punishments from being guilty, and giving the Innocent all possible Means to prevent their being convicted by false Witnesses, or a pack'd Jury. The former is necessary for preserving the Peace of Society, and protecting innocent Men against the Violence of Villains; and the latter is as necessary for protecting innocent Men against the Frauds and Tricks of Knaves. We ought to contrive Laws for terrifying those that incline to be guilty, but those Laws ought to be so contrived as to prevent its being possible to make them a Trap for the Innocent; and as this is manifestly the Nature of the Clause now offered to your Lordships, I hope it will be approved of: For the Sake of depriving the *Jacobites* of all manner of Hopes, and for the Sake of manifesting to the World your Lordships Attachment to your Sovereign, I wish it may be unanimously agreed to.

Upon this *A. Posthumus*, in the Character of the Duke of Bedford, stood up, and spoke to this Effect.

My

My Lords,

AS from the Circumstances of my Family, and, I hope, from the whole Tenor of my own Conduct, I cannot be in the least suspected of any Attachment to the Pretender, or of any Want of Concern for our present happy Establishment; I think it incumbent upon me to be the first to rise up in Opposition to the dangerous Clause now offered to your Lordships, which has been introduced by a Misrepresentation, I am sure, not a designed one, of our Laws relating to Treason, and the Motives upon which they were founded. My Lords, the Clause now offered to us will be so far from being a Proof of our Zeal for the Service or Security of the Royal Family upon our Throne, that did I not know intimately the noble Lord who has been pleased to offer it, were I not convinced of his Affection for our present Royal Family, I should suspect him of being a *Jacobite*, and that he intended by this Clause to alienate from his Majesty the Hearts and Affections of the whole Body of his People. The severe Punishments of Treason did not proceed from the Danger of the Society's being disturbed by the Ambition or Resentment of our great Barons; but from that Contest which will always be, between those that have the Exercise of Power, and those upon whom it is to be exercised. The former will always chuse to have the Obedience of the People depend upon their Fears, the latter will always chuse to have their Obedience depend upon their Affection. For this Reason in all absolute and tyrannical Governments, their Punishments, especially those inflicted upon Crimes against the State, are severe and cruel; whereas in limited and free Governments their Punishments are mild and humane. To our Misfortune, our Ministers, in some of our former Reigns,

got the better in this Contest, and got such Punishments inflicted upon what the Lawyers called Treason, as must be allowed to be both unjust and cruel. Cruel they certainly are, so cruel that, I believe, the Punishment is now seldom, if ever, inflicted according to the express Words of the Sentence; and it must be allowed to be unjust to punish the innocent Child for the Sake of a guilty Father. Nay, our Laws against Treason go farther: They punish, as far as is within the Reach of human Power, even those that are dead and in their Graves; for if it be a Reward to a Man who has deserved well of the Publick, as it certainly is, to ennoble his Posterity as well as himself, to degrade his Posterity must be look'd on as a Punishment upon him.

These cruel and unjust Punishments have long been complained of, and frequent Attempts have been made to get them altered; but, my Lords, the revengeful and avaritious Influence of Ministers, which at first got them established, has hitherto, and, I am afraid will, for ever, prevent their being abolished. It was this, my Lords, and not the Danger we were in either from a Republican or a *Jacobitish* Spirit, that prevented any Law being made for this Purpose in the Reigns of King Charles, King James, King William, and the first six Years of Queen Anne; and it was an extraordinary Concurrence of Causes that enabled us to get some little Conquest over that Influence in the 7th Year of Queen Anne. In that Year, our Ministers wanted to have the *English* Laws of Treason introduced into *Scotland*: The *Scots* had in the Year 1690 so far got the better of their Ministers and Men in Power, as to get a Law then passed for preventing innocent Childrens being punished for the Crimes of their Father: This valuable Law the *Scots*, who



who were then Members of the *British* Parliament, would not part with, and the *English* Members who were Friends to the People, took Advantage of this Contest, in order to get some such Law introduced in *England*: Our Ministers found they could not gain their favourite Point, without yielding something; but they were resolved to yield as little as possible: They agreed to the introducing this Law in *England*, but with this Proviso, that it should not take Place till after the Decease of the *Pretender*, and three Years after the immediate Succession to the Crown, upon the Demise of the then Queen, should take Effect; which Proviso, they pretended, was necessary, because of the Danger that might ensue upon the Demise of the Queen, and the Introduction of a new Family to the Throne: This, I say, was their Pretence; but their true Reason, I am convinced, was, because they thought, if such a Proviso should be once tack'd to the Law contended for, it would be easy to get the Proviso enlarged from Time to Time, so as to prevent the Law from ever taking Effect; and, I wish it may not now appear, that they were not mistaken in their Judgment; for, if what is now offered be agreed to, I shall despair of ever seeing this salutary Law begin to take Effect.

From this Account of the Law now under our Consideration, your Lordships must see, that it was a Sort of Compact between the two Nations, and that the very Clause which is now to be suspended, or rather repealed, was what chiefly induced the *Scots* to give up for a Time their Law of the Year 1690. Therefore, what is now proposed may be look'd on as a Breach of that Compact, and, consequently, as a Breach of the Articles of the Union; for by the 18th Article of the Union, it is expressly provided,

*that even by the Parliament of Great Britain no Alteration shall be made as to Laws concerning private Right, except for evident Utility of the Subjects within Scotland.* I am very sure, it cannot be said, that the Suspension of their Law of the Year 1690, if it had been but for one Day, could ever be said to be for the Utility of the Subjects of *Scotland*, consequently it must be allowed, that this Proviso was at first an Incroachment upon the Articles of the Union, which the Parliament of *Great Britain* had no Right to make; and if the *Scots* were induced to agree or submit to a temporary Suspension of the Force of their Law of the Year 1690, in Hopes that the Time of that Suspension would never be prolonged; from what is now proposed, they will conclude, if it should be agreed to, that they have been deluded, and that they must never expect to have that beneficial Law restored to them. What their Members of this or the other House may do upon this Occasion, I shall not pretend to determine; but I am convinced, the *Scottish* Nation in general will never agree to what is now proposed, especially when they consider how much they have suffered, and how many of their antient noble Families have been destroyed by the temporary Suspension they submitted to in the 7th Year of the late Queen *Anne*.

When I say this, my Lords, I hope no one will think that I approve of, or that I intend to justify the Rebellion that broke out in *Scotland* soon after his late Majesty's Accession. No, my Lords, I condemn that Rebellion as much as any Lord in this House. I think, those that were guilty and suffered, met with nothing but what they deserved; but why should their innocent Children have been made to suffer? Why should the Merit of their Ancestors be forgot, their Memories buried

buried in the Dust, and their Families annihilated, on Account of one of their Posterity's having been guilty of a Crime against the State? Their conspiring, associating, and rising in Arms against a legal and just Government, was certainly Rebellion and Treason in the most precise and genuine Sense of the Words; but according to our Constitution there may be Associations, and even Insurrections against our Government, which are so far from being criminal, that they are worthy of the highest Praise. When our Ministers betray their Trust, and in order to screen themselves from the Vengeance, endeavour to overturn the Constitution of their Country, an Association, or even a Rising in Arms against such a Government, however it may be called or represented by the deceitful Tongues of corrupt or timid Lawyers, it is neither Rebellion nor Treason.

To this Principle, my Lords, we are indebted for the late happy Revolution. If the laudable Endeavours of our brave and true Patriots had not by Divine Providence been at that Time crowned with Success, your Lordships all know, that every one concerned in inviting the Prince of Orange to come over with an armed Force for our Relief, and every one that joined him after he landed, would have been deemed guilty of Treason by our Lawyers, and would certainly have been condemned as Traitors by our Judges.

What happened at that Time, my Lords, may happen again: We may again be reduced to the fatal Necessity of endeavouring to vindicate our Liberties by Arms, and, perhaps, of inviting some foreign Power to come over with an armed Force to assist us. We should therefore be cautious of inflicting cruel or severe Punishments upon what may be called Treason by our Lawyers; for however unjust, however oppressive our

Government may be, it will always be dangerous to rise in Arms against it, the Event will always be doubtful; and when Noblemen and Gentlemen consider, that, in Case of bad Success, their Families as well as themselves will be destroyed, it will throw such a Terror, and will be such a Damp upon their Spirits, that very few of them will ever think of joining in any Attempt for recovering the Liberties of their Country. In this Country it will then be the same as in all Countries subject to arbitrary Power. A cruel and oppressive Government may be overturned by a Mob, or an Insurrection of the Populace, supported by a Mutiny in the Army; but by such Means it was never heard, that a free and limited Government was ever restored or established.

Thus your Lordships may see, that a Continuation of the severe Punishments upon what our Lawyers call Treason, may some Time or other prove the Ruin of our Liberties, by overawing those who would otherwise take Arms in their Defence; for there is no Man of any Spirit, who would not risk his own Life in Defence of his Liberty, but even a Man of the bravest Spirit, when he looks upon his little Children, may be overawed by the Thoughts of what they must suffer in Case he should fail in his generous Attempt.

My Lords, I have more Reason than most of your Lordships, to consider the Severity of the Punishment inflicted upon Treason, and the Danger to which our Constitution may be thereby exposed. My Family has suffered, my Grandfather lost his Life, and his Progeny their Birth-right, for his opposing the Designs of an arbitrary Court. He suffered, 'tis true, and was condemned by the Judges of those Days, for what the Lawyers still call Treason; but his Example may shew your Lordships how



How easy it is for an arbitrary and tyrannical Court to buckle Treason upon the Back of any Man, that has Honesty and Courage enough to oppose their Measures; for as soon as People had Leave to declare their Sentiments freely, his Innocence of the only real Crime laid to his Charge was so generally acknowledged, that the very first Session of Parliament after the Revolution, his Attainder was declared null and void, and his Family thereby restored, by which I have now the Honour of having a Seat in this august Assembly; and I should think myself very little deserving of that Honour, if I did not oppose every Scheme for the Continuance of that Law, by which, if my Great Grandfather had not been alive, the Existence of my own Family, as a noble Family, would have been for a Time suspended, and by which every noble Family now in the Kingdom may at last be extinguished.

This Consideration, my Lords, makes it very surprising to me, to see such a Clause first offered by any Lord of this House; but it will be still more surprising, should I see it agreed to. Your Lordships have always been the most steady Supporters of our happy Constitution: You have always been, and may upon all Occasions expect to be, the greatest Sufferers by its Overthrow. An arbitrary Government can never be secure in this Kingdom, till all the noble Families are extinguished, or divested of their Privileges, and made so insignificant as to become contemptible in the Eyes of the People. In all Countries where arbitrary Power has been set up, the noble and great Families became the first Victims to its Jealousy and Suspicion: Your Lordships are therefore more concerned in the Preservation of the Liberties of your Country, than any other Set of Men in the Kingdom. How then can any Mi-

nister suppose, that this House will be the first to tarnish one of the most splendid Triumphs, in my Opinion, that ever our Patrons of Liberty obtained over our Ministers.

In order to obtain this Triumph, my Lords, the Patrons of Liberty were, 'tis true, obliged to agree to a Suspension of its Effects for a Time; but it was not because they thought that Suspension just or necessary, for it can never be just to punish an innocent Child, only because it happens to be the Child of a guilty Father. This is contrary to Reason, and to the Spirit of our Law. It was at first introduced for the Support of arbitrary Power, and can never be necessary for the Support of a legal and just Government; for such a Government can never have any Thing to fear from the Ambition of the Wicked, because it may depend upon the Assistance of all the Honest and Brave: Whereas an arbitrary, tyrannical Government, has nothing to hope for but from the Ambition and Avarice of the Wicked, and the Fears and Apprehensions of the honest Part of the People; therefore such Governments were obliged to contrive such Punishments for what they were pleased to call Treason, as might at the same Time enable them to terrify the Honest, and to satisfy the Ambition and Avarice of the Wicked. This was the true Source of the present Punishments inflicted by our Laws upon Treason, and these Punishments being once settled, it was then the Business of such Governments to multiply Treasons, and to extend Forfeitures as far as possible. Our *Edward* the First put some Restraint upon the latter, by the Statute of *Westminster* the second, which prevented the Forfeiture of entailed Estates; and *Edward* the Third put a Restraint upon the former, by the famous Statute of the 25th of his Reign, by which it was

determined what should for the future be deemed Treason. These were two glorious Reigns, and to add to the Glories of Queen Anne's Reign, she had the Honour of giving the Royal Assent to a Statute, by which every Thing was to be abolished that could be called unjust, with regard to our Punishments inflicted upon Treason.

The Circumstances the Nation was then in, my Lords, gave our Ministers an Opportunity to propose the suspending the Effect of that Statute for a Time: The new and extraordinary Change that had been brought about but the Year before, (I mean the Union between the two Kingdoms) had produced a great many Mal-Contents in *Scotland*, which had encouraged our Enemies to attempt an Invasion in Favour of the Pretender: We were at the Eve of a new Settlement's taking Place by introducing a new Family to our Throne: These were Arguments, and especially the latter was a strong Argument in the Mouths of our Ministers, and all such as were willing to be convinced by them; but they neither were, nor could be Arguments of Weight with any one who had a true Regard for common Justice, or for the Safety of our Constitution. However, as these last were afraid of losing all, they were willing to take what they found they could get; and therefore they agreed to the Effect of the Law's being suspended for the Terms desired, little imagining that any future Parliament would give up, or suspend for a Moment longer, the Effect of such a just and beneficial Law, especially after the new Settlement had taken Place, and our present Royal Family had had sufficient Time to make the People sensible of the Benefits they reaped from having set them upon the Throne.

For this Reason, my Lords, I think, that the Clause now offered is very

far from being a Compliment to our present Royal Family: I am convinced, his Majesty will not look upon it as such; and this made me set out with saying, that if I had not the Happiness of being intimately acquainted with the noble Lord who made you the Motion, I should have suspected him of being a rank Jacobite. If we should agree to this Clause, and if it should be passed into a Law, it will, in my Opinion, be a Sort of declaring to the People, that his Majesty does not depend upon their Affections, but upon the Severity of those Punishments which were at first invented for the Support of arbitrary Power; and, consequently, instead of being a Security for our present happy Establishment, it may occasion its Overthrow. If the Pretender, either old or young, should land amongst us, while such an Opinion prevailed among the People, he would certainly be joined by great Numbers of Men; and as this very Law, in Case of his Success, would be made to operate against those who took Arms in Defence of our present Establishment, the Dread of having their Families destroyed might prevent many Noblemen and Gentlemen of Fortune from appearing in Defence of our Government. Nay, I believe, few such would appear upon either Side of the Question. The Armies on both Sides would be composed of the lowest Dregs of the People; and in that Case, which ever Side prevailed, the victorious Army would set up the most despotick Sort of arbitrary Power.

This, my Lords, has always made me think, that we should rather run the Risk of frequent Civil Wars, than continue those Punishments, which are much more severe upon Men of Family and Fortune, than upon the lowest Class of People; because it is, I believe, impossible absolutely to prevent Civil Wars or Insurrections



In any Society whatever; and the Difference is, that when Men of Family and Fortune, who have had a liberal Education, and know the fatal Consequences of despotick Power: I say, when such Men appear upon both Sides in a Civil War, those that happen to be upon the victorious Side will always endeavour to prevent the Establishment of arbitrary Power, and they will have such an Influence upon the victorious Army as to render their Endeavours successful. Whereas, when there are few or no Men of Family and Fortune upon the lucky Side, the victorious Army will always invest their General or chief Favourite with arbitrary Power. I could illustrate this Maxim from the Histories of almost all Nations; but I have no Occasion to resort to any but our own, and even in our own History I shall confine myself to two very late Passages: I mean, what happened in the Reign of King *Charles* the First, and in the Reign of his Son *James* the Second.

In King *Charles* the First's Time, my Lords, the Measures of the Court were so bad and so oppressive, that, I believe, most of the Noblemen and Gentlemen in the Kingdom would have taken Arms against him long before the Year 1642, if it had not been for the Danger of ruining their Families. This Danger made them long submit to the arbitrary and illegal Measures of that Court, and their tame Submission encouraged the Court to increase their Oppressions upon the People. At last the popular Discontents became so general and so violent, that every one saw, it would be easy to raise an Army against the Government; but as the Event of War is always doubtful, our Noblemen and Gentlemen were still afraid of ruining their Families; and therefore, when an Army was raised, but few of them joined it, or desired to have any Command in it;

so that the Army against the Government was composed, I may say, for the most Part, of the lowest Scum of the Nation, notwithstanding its being raised by the Authority of what was then called the Parliament. What was the Consequence? This Army, that was raised in Favour of Liberty, at last destroyed it, and invested their General with as absolute Power as was ever enjoyed by any Sovereign. Whereas, if our Nobility and Gentry had then had nothing to risk but their Lives, I am convinced, such Numbers of them would have joined the Parliament's Army, that it would have prevented the Civil War, because the King would soon have found it impossible for him to oppose them: At least they would, during the War, have got such an Influence in the victorious Army, as would have prevented that Army's making such a Compliment to their General. Nay, in such a Case, I doubt, if *Oliver Cromwell* would ever have been any Thing more than a Captain, or at most the Colonel of a Regiment.

Now, my Lords, with regard to the Revolution, it is very well known, that the Prince of *Orange* was secretly invited over, and after his Landing openly joined by many of the first Rank in the Kingdom. As the Attempts of the Son were levelled against our Religion as well as our Liberties, and were more openly avowed than ever his Father had done, his Party in the Nation was much less considerable than his Father's, and he had this further Disadvantage, that a numerous Army of veteran Troops under an experienced Leader, was actually landed in the Island against him. This gave a much greater Assurance to our Noblemen and Gentlemen of Fortune, and accordingly, a great Number of them openly joined the Prince of *Orange* soon after his Landing. What was the Consequence, my Lords? I believe;

lieve, I should not transgress much upon the Character of King *William*, should I affirm, that he was as fond of arbitrary Power as *Oliver Cromwell*; and considering the Danger we were then in, of an immediate Invasion from *France*, as well as from the *Jacobites* among our own People, especially in *Scotland* and *Ireland*, very strong Reasons might have been urged for investing him with a temporary arbitrary Power; but those Lords and Gentlemen, who had joined him, and without whom he could do nothing, took Care to limit his Power within narrow Bounds enough, so far as related to the Evils that had been actually felt; and if they had considered our Constitution a little more maturely, they would probably have insisted upon proper Regulations for preventing those Evils which have since arisen, and which, if suffered to continue, will render useless all that was then done for the Preservation of our Liberties.

These two Passages, my Lords, yield, in my Opinion, a convincing Proof, that we ought not to annex such Punishments to what is called Treason, as must terrify our Men of Family and Fortune from joining either Side in Case of a Civil War; for tho' a Civil War be a very pernicious Circumstance for any Society, yet your Lordships will admit, I believe, that it is not so pernicious as an established despotick Tyranny; and therefore it is ridiculous in any Society to guard against the lesser Evil by such Methods as must naturally produce the greater. Ambition of itself alone can never produce a Civil War: Nothing but Weakness or Oppression in the Government can produce a Civil War: It is Weakness in a Government to suffer any single Man to possess himself of so much Power as may enable him to rebel against the Government; and nothing but Oppression can raise such a Discontent and Ferment among

the People, as may enable a Subject to rise in Arms against an established Government, with any View of Success. Even when the Power of our Barons was at its greatest Height, none of them ever ventured to take Arms against their Sovereign, till his weak and oppressive Measures had raised a general and violent Discontent among the People. It is not therefore the Severity of the Punishment, but the Wisdom and Justice of the Administration of Government, that can prevent a Civil War. If the Government through Weakness permit any single Subject to get Possession of so much Power, as to give him a probable View of Success in an Attempt to usurp the Government, he will attempt it, let the Punishment of Treason be what it will: If the Discontents of the People be, by the oppressive Measures of the Government, rendered general and violent, they will at last find a Leader, let the Punishment of Treason be never so severe. Either of these will produce a Civil War: The Severity of the Punishment may prevent either Side's being joined or openly supported by any great Number of Men of Figure and Fortune, but it cannot prevent the War; and a Civil War conducted by Armies on both Sides, or upon the victorious Side, composed generally of the Dregs of the People, will certainly establish an arbitrary and despotick Government, which of all Misfortunes is, in my Opinion, the greatest that can befall a Society.

For these Reasons, I must be against receiving the Clause now offered to your Lordships; and as I am firmly attached, as the World knows, I have great Reason to be firmly attached, to our present Establishment, I thought myself obliged to be the first to oppose a Clause, introduced under the specious Pretence of its being necessary for the Support of that Establishment, tho' it is in reality, according to my  
Way



Way of thinking, the most artful, and the surest Train that can be laid for blowing it up.

Upon this L. Juventius Thalna stood up, and in the Character of the Lord Ilchester, spoke in Substance A as follows, viz.

My Lords,

AS I make no Doubt of the noble Duke's Attachment to our present happy Establishment, or of his Zeal for supporting it, I am surprised to hear him declare so warmly against a Clause which, in my Opinion, must either be necessary or very harmless. If it be necessary for the Support of our happy Constitution, I am persuaded the noble Duke, as soon as he is convinced of it, will withdraw his Opposition; and if it be a Clause of a very harmless Nature, I think we should have so much Complaisance for one another, as not to oppose a Motion, which can be attended with no bad Consequence. If there are no *Jacobites* in this Kingdom, the Clause now offered to us can do no Harm, because it can bring no Family into any Danger of being ruined: If there are but a few *Jacobites*, the Clause can do but a very little Harm; and if there are a great many, the Clause must, I think, be absolutely necessary.

This last, my Lords, I am afraid, is the Case. The *Jacobites* have of late Years made no Appearance, 'tis true, as *Jacobites*, because they have had no Opportunity to appear as such, and have found out another Method of distressing our Government, by appearing in the Shape of Patriots or Patrons of Liberty; but, I am persuaded, there are still a great Number of *Jacobites* in every one of the three Kingdoms, and for this Reason, I think this Clause absolutely necessary; for it will be impossible to keep them quiet, should

they find but the least Glimpse of Hopes; and every one knows, they are apt enough to hope: I say, it will be impossible, in such a Case, to keep them quiet, unless we keep them under the Lash of those severe Punishments inflicted by the Laws, as they stand now, upon Treason. The noble Duke acknowledges, that the Danger a Man's Family is exposed to by his being guilty of Treason, is a much better Pledge for his Submission to the established Government of his Country, than any personal Punishment that can be invented. In this I concur with him, and, I think, he must concur with me in Opinion, that if there be a great Number of *Jacobites* in the Kingdom, our continuing the present Punishments upon Treason will be a much greater Restraint upon them, and a much better Security for our present happy Establishment, against any new Attempts in Favour of this new Pretender, than if we were to allow the Law of the *Seventh* of Queen Anne to take Effect, which it will do, the Moment the Breath is out of the Body of him who now pretends a Right to his Majesty's Crown and Dignity.

Therefore, my Lords, the only Question now before us must be, Whether we have now such a Number of *Jacobites* amongst us, as might, in Conjunction with a powerful Assistance from abroad, make a new Attempt in Favour of the Pretender, and bring our present happy Establishment once more to depend upon the doubtful Event of a Battle; and as to this Question, I think, there is no Doubt to be made of it. It is impossible to suppose, that the Court of France would have thought of invading this Kingdom with 14 or 15,000 Men, if they had not been assured of being powerfully assisted by the *Jacobites* here at home. That Court could not judge so ridiculously as to fancy, that they could conquer this

this Kingdom with 15,000 Men, nor could they be so foolish as to send such a Number of their Troops to this Island, to be made Prisoners of War upon their first Landing, which would certainly have been the Case, if they had not been immediately joined by a great Number of our own People, and Insurrections made in every other Part of the Kingdom, in order to oblige his Majesty to divide his Troops, and prevent his being able to send any considerable Body of them against these foreign Invaders. We must therefore, I think, conclude, that the Court of France had a Correspondence with the *Jacobites* here, and had Assurances from them, that their Troops would be joined, as soon as landed, by such Numbers of our own People, or such Insurrections raised against our Government, as would at least give them an equal Chance for Victory. His Majesty's not having been able hitherto to discover that Correspondence, or at least not so clearly as to be able to convict any Person, is so far from being an Argument that there was no such Thing, that, in my Opinion, it ought to convince us of our Danger's being now much greater from the *Jacobites* than ever it was heretofore; because the *Jacobites* of these Days have, it seems, learned how to keep their Secrets much better than their Ancestors ever knew how to do; and of all Plots those are the most dangerous, which are so cunningly laid, that no Discovery can be made till they come to the Verge of Execution, no not even after the Execution has been prevented by a manifest Interposition of Providence, which was certainly the Case, with regard to the last intended Invasion.

In all Questions of this Nature, my Lords, it must be granted, that the Fence ought to be equal to the Danger: In 1709, the Parliament thought the Danger our present

happy Establishment was in from the Pretender, so great, that it was absolutely necessary, during his Life at least, to keep up all those Fences, which had been contrived by our Ancestors for securing our Government, and preserving the Peace of the Society. It is evident from what has but just happened, that our Danger from the Son is at least equal to that we were then in from the Father, and therefore the same Fences ought to be kept up. In my Opinion, our Danger from the Son will be much greater than ever it was from the Father. Of this the first Copy we have had of his Conduct is, I think, a convincing Proof: His Secrecy, his Expedition, and his Contrivance, seem to be much greater and better than ever his Father was famed for. His Journey from Rome, or, I should rather say, his Escape from all those watchful Eyes, we must suppose he then had fixed upon him, was so well contrived, and executed with such Secrecy and Expedition, that we cannot, I think, be too much upon our Guard, or take too many Precautions against being surprised by him, and the Party he must always have in this Kingdom. In 1709, the Parliament thought it reasonable that the severe Punishments upon Treason should cease as soon as the Danger was over; but their suspending the Effect of the Law they then made, is a Proof that they thought it unreasonable to make the Punishments cease before the Danger ceased; and as it is apparent, that our Danger from the Son will be as great as ever it was from the Father, if we are now of the same Opinion with the Parliament in 1709, we must suspend the Effect of that Law during the Life of the Son, as well as they did during the Life of the Father. I am, my Lords, of the same Opinion that Parliament was of: I think the Punishments ought not to cease.



the Fences ought not to be demolished, as long as the Danger continues; and when I consider what a Number of great Men and true Patriots we had then in both Houses, I must say, I am proud of being of their Opinion; in Testimony whereof, I shall most heartily give my Vote for the Clause now offered to your Lordships.

*The next that stood up was M. Helvius, who spoke in the Character of the Lord Hervey, to this Effect.*

*My Lords,*

**I**T is always with great Caution, and even with Diffidence, that I dissent from the Opinion of the learned Lord upon the Woolfack, especially in Matters of Law; but in the present Case I cannot agree with him, because I think the Punishments now by Law inflicted upon Treason, contrary both to Justice and Religion; and I must beg Leave to say, that I look upon it as an Insult upon Divine Providence to assert, that any Thing is necessary for preserving the Peace of Society, which is in itself both irreligious and unjust.

I shall give myself no Trouble, my Lords, about the Antiquity of those Punishments, or about who were their Patrons in the Year 1709; but I must desire the noble Lord who spoke last to remember, that those great Men, whom, I suppose, he calls true Patriots, were then Ministers of State; and when he reflects upon this, he will, perhaps, with me, suppose, that they insisted upon the Effect of that Law's being suspended during the Pretender's Life, not as Patriots but as Ministers; for we have often found, that the most zealous Patriots begin to think very differently, as soon as they become Ministers. I have as high a Veneration for the Memory of those great Men as any Lord can

have, and I have as great a Regard for what appears to have been their Opinion; yet, I think, they were sometimes mistaken; for it was those very great Men that, in the 4th of the same Queen, procured the Repeal of those Clauses in the Act of Settlement, which enacted, that all Resolutions of the Privy Council should be signed by such as advised and consented to them; and that no Person who had Office or Place of Profit under the King, or Pension from the Crown, should serve as Member of the House of Commons. Now, I believe, there is now never a real Patriot in the Kingdom but wishes, that neither of these Clauses had ever been repealed; so that great Men and true Patriots as they were, it must be allowed, that they were sometimes mistaken. But suppose they had never in any other Case been mistaken, they were certainly so when they contended that Acts of Injustice and Irreligion were, or could at any Time be, necessary for the Support of our present Establishment.

Such Acts my Lords, can never be necessary for the Support of any just and rightful Government: They are the Practices of the Devil, and can never be necessary but for the Support of an oppressive, a tyrannical, a devilish Government. Such Punishments can never be necessary for the Support of our present Establishment, which was founded upon the Downfall of Oppression, Tyranny, and arbitrary Power; and must cease to be what it now is, or ever was designed to be, if any of these should ever be introduced. Some of your Lordships may, perhaps, think, that your agreeing to this Clause will be a Testimony of your Zeal for our present Establishment; but I am far from thinking so, and if I did, I should not be for giving such Testimonies as may destroy the Liberties of the People. Time, my Lords, shall

shall manifest my Zeal for our present Establishment: Time shall shew my Loyalty to my Sovereign: Time shall demonstrate my Affection for his Majesty. For this Purpose I make no Doubt of having many proper Opportunities, if I live but a few Years; and, therefore, if there were no Injustice, if there were nothing inconsistent with Religion, in what is now proposed, I should decline giving a Testimony of my Zeal, Loyalty, or Affection, by any such dangerous and precipitate Compliment to the Crown, as the Clause now offered to your Lordships.

This, my Lords, I say, I should decline doing, were there nothing in the Clause inconsistent with Justice or Religion; but as it is inconsistent with both, I think myself obliged to declare against it, in that Manner which I think the most open and avowed. Can any one say, it is just to make an innocent Heir suffer for the Crime of his Ancestor? Can any one say, the Heir does not suffer, when he loses a Peerage and an Estate, which has been preserved in the Family for many Ages, and transmitted from Father to Son through many Generations? Does not the Heir suffer, when he, for his Father's Crime, is rendered incapable of succeeding to his Grandfather or Uncle, to whom he would otherwise have been Heir at Law? This of Corruption of Blood, my Lords, is one of the most unjust and cruel Conceits that ever entered into the Head of a pettyfogging Attorney. These Punishments are therefore plainly unjust, and, I hope, the Reverend Bench will assist me in shewing, that they are inconsistent with Religion; for we have this Precept delivered to us from the highest Authority, *That the Father shall not suffer for the Child, nor the Child for the Father; but every one shall bear his own Iniquity.*

Therefore, my Lords, if the Pu-

nishments now inflicted upon Treason be both unjust and inconsistent with Religion, can it be an Argument for continuing them, to say, that the Ruin a Man's Family must undergo, the Miseries his Children must suffer by his Crime, will be such a Restraint as may prevent his being guilty of it. Surely, my Lords, this Argument can have no Weight with any Man of common Justice, much less with any Man of true Christianity. Our present Establishment is founded upon Justice, and, I hope, upon true Christianity: I am sure, it can never stand in need of, I hope it will never seek a Support but what is agreeable to both. If it ever should, it will, as I have said, cease to be what it is, and will become such an Establishment as neither can deserve nor meet with a Support from any true Englishman; and if the noble Lord who made this Motion were of my Way of thinking, instead of moving such a Clause as this, he would have brought in a Clause for bringing the Act of the 7th of Queen Anne into immediate Force.

This, my Lords, would have been shewing a proper, and, I am convinced, a just Contempt of the late intended Invasion, if any such was really intended, and of that Party which is called the Jacobite Party in these Kingdoms. I was really sorry to hear the noble Lord, who spoke last, represent that Party in such a formidable Light, and much more sorry to hear his Lordship say, that they now appeared under the Mask of Liberty. My Lords, it is a Mask they never can put on, unless our Liberties be in apparent Danger. If they should raise the Cry of Liberty, when none but they think our Liberties in Danger, the Mask could be of no Use, because every one would see through it, and discover the Jacobite Face that wore it. They never can conceal themselves under such a Mask, but when our Liberties are



are generally thought to be in real Danger, and as this may probably be the Consequence of our agreeing to this Clause, the Regard I have for our present happy Establishment, as well as the Regard I have for Justice, Christianity, and your Lordships Families, must determine me against it.

C. Cicerejus stood up next, and in the Character of the Earl of Cholmondeley, spoke in Substance thus.

My Lords,

I HAVE often seen the Subject of Debate departed from in this House, but I never saw it so much departed from, as in the Question now before us. Instead of answering the Arguments advanced by the noble Lord who moved you the Question, or by the learned Lord upon the Woolfack, the Lords who have spoke against it, have run out in Invectives against our Laws in general, and, indeed, against the Laws of every well regulated Society in the known World. By the whole Tenor of our Laws, from the Beginning to this very Day, the Child suffers by the Crime of the Father; and the Case is, and ever was the same, in all the Countries I ever read of. It is hardly possible to contrive a Punishment for the guilty Father, in which his innocent Child must not be a Partaker. Nature has made it so; and when you go about to alter the Nature of Things by human Institutions, you will always find yourselves disappointed. If you set a Fine, a Mule, or an Amerciament upon a guilty Father, does not his innocent Child thereby suffer? Is not the Estate thereby diminished, to which the Child has, by Law, a Right to succeed? There is, therefore, nothing in Forfeitures for Treason, but what proceeds from the Nature of Things; and, as God Almighty is the Author of Nature, I am sure it is not very consistent with Religion, natural or revealed, to say, that there is Injustice in any Thing

that proceeds from such an Origin.

Besides, my Lords, there is in Forfeitures a Sort of Retribution which is due to the Society. To leave the Heir to succeed to the whole Estate of his traitorous Ancestor, would be doing Injustice to every Member of the Society not concerned with him in his Treason. By such Crimes the Society is generally put to a very great extraordinary Expence; and if the Estates of the Traitors or Rebels are not applied towards answering that Expence, or making good the Expence which the Publick has been put to by their Rebellion, it must be levied upon the Estates of the Innocent. Which, I pray, my Lords, is the most just, or the most consonant to the Rules of right Reason, that the Estates of the Guilty should be applied towards making good the Expence which the Publick has been put to by their Crimes, or that the Expence should be levied upon the Estates of the Innocent? This Argument, I know, could not have had much Weight in antient Times, when the Estates of Traitors were, without any Controul, granted away by our Kings to their Favourites: But his late Majesty made a Precedent, which, I hope, will be followed by all his Successors: He most wisely and justly surrendered to the Publick, his Right to the Estates that had been forfeited by the Rebellion at the Beginning of his Reign, to the End, that they might be applied, by this House, towards making good the Expence the Publick had been put to by that Rebellion; and as this Precedent will probably be followed in all future Times, I think we have the less Reason to find Fault with the Forfeitures which are, by Law, annexed to the Crime of Treason.

My Lords, I have as great a Compassion for the innocent Children of forfeiting Persons, as any Man can, or ought to have; but as Nature has

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instilled into Mankind a natural Affection for their Children, and a Desire to advance their Condition in the World, all Lawgivers have, and we must avail ourselves of this natural Affection, in order to prevent the Crime of Treason, which, of all others, is the most heinous, because it is attended with the most direful Consequences. If it were not for this, my Lords, some Person or other would be every Day conspiring Murders and Assassinations, not only against the King, but against every one of his Ministers and Judges. As they must, by the Nature of their high Offices, be every Day provoking the Resentment and Revenge of some Man or other, nothing can protect them against publick Assaults, or private Assassinations, but the Severity of the Punishments inflicted upon such Crimes; so that those Punishments are necessary, not only for preventing Rebellions and Assassinations, which may proceed from Ambition or a wrong Principle, but also for preventing those Rebellions and Assassinations or Poisonings, which may proceed from private Resentment or Revenge.

As I have mentioned one human Affection which all Governments have availed themselves of, in order to prevent Treasons, I must mention another which all wise Lawgivers have thought it necessary to guard against; and that is, the Desire a Son generally has to revenge the Death of his Father. There are few Men that suffer for Treason who are not supposed, by those of their Party, to have been unjustly put to Death. This inspires the Son, who is generally of the same Principle with the Father, to endeavour to revenge his Father's Death; and, therefore, in order to put it out of his Power to do so, it has been found necessary to strip him, as much as possible, of every Thing he could claim, as Heir to his Father. If, by his future Conduct and Behaviour,

he shews, that he is not of the same Principle with his Father, that he thinks his Father was justly put to Death, and that therefore he is resolved, instead of revenging his Father's Death, to do all in his Power towards atoning for the Injury his Father did to the Society, he may then be restored; and our Histories will shew us, that, in such Cases, the Son has generally been restored, as far as could be done, without doing an Injury to any third Person.

I hope, my Lords, I have now vindicated our Laws from all those Invectives that have been thrown out against them, on account of the Punishments inflicted upon Treason. I hope, I have shewn, that those Punishments are not only just but necessary, for guarding against those Dangers, which all Governments and supreme Magistrates are exposed to, from the Ambition, Resentment, and Revenge of the Wicked, or the wrong Principles of the deluded Part of their People; and when any Lord convinces me, that we shall be in less Danger from the Son of the Pretender, than we ever were from the Pretender himself, I promise him, I shall concur in giving my Negative to the Clause now under your Consideration; but, till that is done, I shall remain in my present Opinion; and, if I find it cannot be done, I shall agree to the making this Clause Part of the Bill now before you.

[*This JOURNAL to be continued in our next.*]

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*Conclusion of the TRIAL in relation to JAMES ANNESLEY, Esq; and the Earl of ANGLESEY. (See p. 440.)*

Mr. Baron Mountney.

**G**ENTLEMEN of the Jury, my Lord Chief Baron has summ'd up the Evidence on both Sides, and stated the Affair in so judicious and masterly



masterly a Manner, that I shall only make some general Observations on the Close of the Plaintiff's and Defendant's Evidence, and shall begin with Mr. *Giffard's* Testimony.

He mentioned at large to you, the Conversations he had with Lord *Anglesey* (the present Defendant) in one of which Conversations my Lord declared he should be glad to send for his Nephew *Jemmy Annesley* (his Brother's Son) to enjoy his Honours and Estate, and if he would allow him 3000*l.* a Year, he would go to *France*, for it was his Right, and my Lord would surrender it up to him. You'll observe, Gentlemen, the Counsel for the Defendant evaded the Question, and endeavoured to excuse it as a sudden, hasty Expression: But that cou'd not be the Case; for by the Account *Giffard* gives you, it was not the Effect of Passion, because Lord *Anglesey* often made use of that Declaration, and, in pursuance of that Resolution, sent for *Stephen Hays* to instruct him in the *French* Language, in order to go to *France*; therefore it was not a precipitate Resolution; and his declaring his Inclination to accept 3000*l.* a Year, is a plain Indication that he did not believe the Lessor of the Plaintiff was the natural Son of the late Lord *Altham*. But, Gentlemen, when he prosecuted the Defendant at the *Old Bailey* with the utmost Rigour, as the Witness mentioned, he could not then have any Excuse that he was induced to it by the Dispute with the *Annesleys*; therefore you are to consider, whether the Defendant was not in this Affair actuated by other Motives, than those of publick Justice.

The Impatience which the Defendant shewed, in going to *Hounslow* to meet with Mr. *Giffard*, and his Declaration of spending 10,000*l.* so he could hang the Lessor of the Plaintiff, will have a Weight, and will help to shew the Motives of the Defendant, & *quo animo* he embark-

ed so strongly in this Affair. And another Circumstance strengthens the Testimony of *Giffard*, that is, that the Defendant told *Giffard* that the Plaintiff was transported for stealing a Silver Spoon; this compared with the Testimony of *Purcell*, and some others of the Plaintiff's Witnesses, shews a Consistency which must add to their Credit.

And, Gentlemen, you'll consider what Weight it is to have, that the Defendant offered no Evidence to discredit *Giffard*, but by cross-examining him, and by the Arguments made use of, with regard to the disclosing the Secrets of his Client; but in my Opinion, Gentlemen, Mr. *Giffard* could not justify himself to God or Man unless he did disclose it; besides, Lord *Anglesey* mentioned it to him in a Cause not relative to the Matter in Question; and this has been extremely well discussed by Counsel on both Sides, which, Gentlemen, you must remember.

The Evidence of *Shelcross's Ass* is very strong, that the Defendant spirited away the Lessor of the Plaintiff; and in my humble Opinion, it shews the Defendant was fully conscious of his Title.

The Defendant's Witnesses have sworn, that Lady *Altham* never had a Child, nor was with Child, but that Lord *Altham* had a Son by *Joan Landy*. But 'tis natural to enquire, why Lord *Anglesey* should be so solicitous about *Joan Landy's* Son? What could Lord *Anglesey* fear from a Son, who was without Dispute a Bastard?

Gentlemen, the present Question is, Whether the Lessor of the Plaintiff was the legitimate Son of the late Lord *Altham*, and how far it may be proper for you to draw Inferences from the Conduct of the Defendant to determine your Judgments in this Particular. Sometimes the Law admits of violent Presumptions to be full Proofs; for Instance, if a Man happened to be murder'd

in a House, and a Man is seen with a bloody Sword coming out of that House, there Presumption is to take Place, and will have the Force of positive Evidence.

The Jury are properly to consider those iniquitous Acts, and whether they do not bring the Defendant within the Case of *Spoliation*, and how every Thing is to be presumed against the *Spoliator*.—I remember, I heard my Lord *Talbot* (who was one of the greatest Men that ever sat upon the Bench) assert, that strong Circumstances were more convincing than any other Evidence; and that Presumptions arising from Facts, speak stronger than Witnesses can do.

Gentlemen, you'll consider the Difficulties the Lessor of the Plaintiff labours under, from not having an Opportunity of claiming his Right earlier; for if he had asserted his Title 15 Years ago, then he might have had the Benefit of the Sponsors, who were, probably, all then living, and who might have cleared up this Matter; but now, being dead, he is laid under great Hardships.

But when violent Presumptions operate strongly in the Plaintiff's Favour, as in the present Case, they must be supposed to operate strongly for him, and point out where to apply the Probability and Improbability.

A wicked Act, in general, should not be considered by the Jury; but when an evil Act, relative to the Point in Dispute, explained by the wicked Declarations of the Party, of spending 10,000*l.* (as *Giffard* mentioned) is laid before you, this must have great Influence.

The Gentlemen for the Defendant have said, it was not probable that the Defendant would be so weak as to make the Declarations given in Evidence on this Trial; but they will please to observe, that Weakness and Wickedness are generally attendant on each other; it often happens, that *quos Deus vult perdere, prius dementat*.

I shall, Gentlemen, mention some few more Observations, which I think proper for your Considerations.

I must first mention to you, that Mrs. *Giffard* stands confronted by A Mr. *Colclough*, Mr. *Turner*, and Mr. *Higgison*; And, Gentlemen, you are to consider which of them deserves to be credited.

Mrs. *Heath* contradicts Mrs. *Briscoe* and Mrs. *Cole*, that Lord *Altham* did not go to *Vice's* to lodge before he B went to *Dunmain*.

Mrs. *Cole* mentioned to you last Tuesday (when she was on the Table) that the Reason of Lord and Lady *Altham's* going to another Place to lodge from her Father's (before they went to *Dunmain*) was, that it might C be more notorious that they were reconciled; you will weigh how far this Reason is probable, and you'll observe that Mrs. *Briscoe* swears that she, with all the rest of the Family, were desired to see Lord and Lady *Altham* in Bed at her Father's House, that it might be known they were D reconciled.

It was insisted on, to overturn Mrs. *Cole's* Testimony about the Miscarriage, that it was improbable that a Child of that Age should know a Miscarriage, or that her Mother E should shew the Abortion to her. You will consider, Gentlemen, whether it was not as improbable for the Parents to call a Child of tender Years to see them in Bed, as it was to shew her the Abortion.

Some Stress has been laid on the F Evidence of Mr. *Palliser* the younger, who mentioned the Conversation Lord *Altham* had with him 3 or 4 Days before the Separation; wherein his Lordship said, that the late Lord *Anglesey* would not be in Friendship with him whilst he lived with his Lady, and since he had no Child by her he would part with her.—Here the chief Reason of putting her away, was the Pretence of her



her not having a Child. You will weigh within yourselves, Gentlemen, whether he who would turn his Wife away to oblige Lord *Anglesey*, would not turn a legitimate Son away upon a trifling Occasion; and it appears on the Cross-examination of *Herd*, a Witness for the Defendant, that the late Lord *Altham* would do any Thing to please Miss *Gregory*, and that she was not very fond of the Child: And it has been sworn by the Plaintiff's Evidence, that Complaints have been made by Miss *Gregory* to Lord *Altham* about the Child. You'll consider, Gentlemen, with what Severity Lord *Altham* corrected the Child, for the supposed Crime of stealing a Jockey Belt, and that *Herd* said, that Lord *Altham* would not for 500*l.* that the Child should know that *Landy* was his Mother; the Defendant's other Witnesses contradict him in this Particular.

*Heath* goes along with *McCormick* about the *Noise of a Chair*, and calling for *Lucas the Midwife*, but differs from her as to the *Fright* and *Miscarriage* of my Lady; and *Heath* also agrees with Mrs. *Cole* about the *China Saucers being thrown*, but differs from her about the *Miscarriage*, and my Lady's keeping her Bed afterwards.

*Lambert*, in his Testimony, mentions, that he was in Company when *Sutton* the Surgeon was sent for to go to my Lady, and that *Sutton* did not go on the first Message, but went some Time afterwards, and attended my Lady for about a Fortnight: This seems, from the Testimony of *Lambert*, to be pretty much near the Time alledged for the *Miscarriage*, and is attended with a strong Presumption to strengthen the Testimony of Mrs. *Cole*, and to induce a Belief that Lady *Altham* was indisposed for some Time; but *Heath*, Gentlemen, as has been mentioned, said, she knew no Indisposition of

Lady *Altham's*, that should occasion *Sutton* to attend her for a Fortnight. — 'Tis material farther to compare the sedate Behaviour of Mrs. *Cole* in giving her Testimony on the Table, to the vociferous Behaviour of Mrs. *Heath*.

Gentlemen, when you consider how long Lady *Altham* lived after the Death of Lord *Altham*, and did not take Care of the Child (as appears from the Defendant's Evidence) you will take into your Thoughts that the Boy was sent away very soon after the Death of Lord *Altham*; for his Lordship died in Nov. 1727, and the Ship wherein the Boy sailed for the Plantations, went over the Bar of *Dublin* the 30th of April 1728, and there may be a strong Presumption that Lady *Altham* might think the Child was dead.

Gentlemen, you'll take Notice whether it was not as little likely that Lady *Altham*, who was said to be a haughty Woman, should visit in an Ale-house or Inn in *Ross*, (as *McCullen* swore) as that she should admit *Bates* to make use of the Freedoms mentioned in her Testimony.

And when you come to observe what was urged with respect to Lady *Altham's* not making mention of her Child to Alderman *King*, whilst she lodged in his House, it will be proper for you to consider that Lady *Altham* might not chuse to talk of any Child, in regard it was reported she had a Child in *Holland*.

Mrs. *Annesley's* Evidence I take to have great Weight, as she says she never doubted but the Child was Lord *Altham's* lawful Son, and that her Brother would not toast the Health of the Child if he had been a Bastard.

These Facts, Gentlemen, appear to be the capital Parts of the Plaintiff's Case; and if you believe the Boy was spirited away by the Defendant, and the Testimony with respect

respect to the Prosecution, it must have great Weight, and influence you to be of Opinion that the Defendant's Witnesses do not stand in Equilibrio to the Plaintiff's Proofs, and that therefore the Plaintiff is entitled to a Verdict.

Mr. Baron *Dawson*.

**G**ENTLEMEN of the Jury, as this Case has been so well spoke to already on all Sides, I shall only mention a Word or two with respect to it.

I must own the Witnesses contradict one another so very much, that one can't tell where to set his Foot with Certainty; I would, if I was on the Jury (and I have no Doubt but you have made it a Rule for your Government;) I would, I say, consider the Story as related by both Parties, and weigh it as to the Probability.

This Trial has lasted 12 Days: Trials at Bar have been generally determined in one Day or two, and the Policy of the Law so requires it; but as this has admitted of Adjournments, perhaps something might be said out of Court in relation to this Cause, but nothing of that Kind is to govern your Opinions.

Gentlemen, you have seen how the Witnesses for the Plaintiff and Defendant swear *pro* and *con*, with respect to the Birth of the Child. In this Uncertainty, the Reputation of the Country is very proper for your Direction; and you are to consider, whether a Fact of that Consequence could have happened unknown to Persons who visited the Lord and Lady *Altham*, and how it can happen that the Birth of a Child of so noble a Family, and so high Rank and Quality, should not be known by Persons in the Neighbourhood: What Reason could there be that such an Affair should be kept a Secret, where so many People were to be affected? The Plaintiff's Wit-

nesses indeed swear, there was Joy and Bonfires on the Occasion, and yet no Gentleman of that Country is produced who had any Knowledge thereof.

*Laffan*, Gentlemen, swears positively that the Child was shewn to Mrs. *Lambert*, and others, when my Lord and Lady *Altham* lived at *Dunmain*; but Mrs. *Lambert* swears quite the contrary, that she never saw a Child at *Dunmain*, and that there never was any Child shewn to her there in my Lady's Time.

You'll consider likewise, Gentlemen, whether it is probable that a Lady of her Rank should lye-in, in the Country; for Persons of Distinction generally chuse to go to Town to be brought-to-bed, where the requisite Preparations for such an Occasion, and for a Lady of her Quality in such a Condition, might not be wanting.

Gentlemen, you have seen the Servants of the House, who are Witnesses for the Defendant, what Testimonies they have given; they say, that Lady *Altham* never had a Child. You see how the Witnesses on both Sides disagree, as to the Manner of Lord *Altham*'s Treatment of the Child; the Defendant's Witnesses say, he always consider'd him as his Bastard Son; the Witnesses for the Plaintiff say, he always treated him as his legitimate Son; you are to consider where the Probability lies.

It has appear'd to you, Gentlemen, that Lord *Altham* was a Man of a very variable Disposition, and you are to observe, whether there may not be some Reason for treating an illegitimate Son as a legitimate Son; but there can be no Reason for treating a legitimate Son as illegitimate.

Treating the Child as a legitimate Son in strange Company, tho' he should be illegitimate, may be accounted for; because Lord *Altham* might



might not care to let it be known, that he had an illegitimate Child; but what Reason can be offer'd for treating his legitimate Son as a Bastard?

Supposing the Case to be, that Miss Gregory should have an Influence over Lord *Altham*, as the Plaintiff's Evidence say; yet, Gentlemen, you'll take it into your Consideration, whether Lord *Altham* could be so abandon'd to common Sense and Nature, as to treat a Child as illegitimate, if he was his lawful Son and Heir.

Besides, Gentlemen, the Tenderness of a Mother cannot be got over, and Lady *Altham* lived at *Ross* a very long Time after the Separation, yet it never appear'd the Child visited her, except by the Testimony of *Laffan* and *Lutwich*. When you come to consider this Part, take all these Things into your Thoughts, as likewise the Evidence of *Catharine O'Neal*, who tells you, that her Ladyship should be desirous to see the Child, only for fear it might be a Means to make the Servants lose their Places.

I apprehend it somewhat odd, that Lady *Altham* should keep it a Secret from Alderman *King*, with whom she lodged so long, that she had a Child, and yet intimate it to Mrs. *Hodges*, [who was a Stranger] at the first Visit.

No doubt but Lady *Altham* was acquainted with the Death of Lord *Altham*; how came it, that she did not make Enquiry about the Child, when in this Case both her Interest and Affection were join'd?

As to the Transportation and Prosecution, you will consider, if the Defendant was the Cause of it, and if he was, how far it has Effect? And if Lord *Altham* acknowledg'd constantly the Child as his natural Son, how far the Acts of Transportation and Prosecution can better the Plaintiff's Cause; and if they are true, as given in Evidence by the

Plaintiff, they were certainly very wicked Acts; but, Gentlemen, it is hard to conclude, that tho' the Defendant should be guilty of a wicked Act, therefore a Man is to believe Evidence against him in another Respect, if it appears improbable.

Mr. *Napper* tells you, he had a Letter of Attorney from the late Earl of *Anglesey*, after the Death of the late Lord *Altham*, to settle some of the Estate in *Ross*, yet no Objections were made to the Title; and it seems somewhat extraordinary, that if Lord *Altham* had a Child, that the Tenants would have accepted of Leases, or that some of them would not object to attorn to the Lord *Anglesey*, or that some one or other would not have objected that there was a Son, when the Existence of such a Son would plainly defeat Lord *Anglesey's* Title. I shall observe to you, Gentlemen, on the Whole, that in the Light this Case appears to me, the Plaintiff has not produced such Evidence as can, in my Opinion, support the Point contended for by him.

Then Mr. *Caldwell*, Attorney for the Plaintiff, delivered to the Jury the Issue which they were to try. Afterwards the Jury withdrew into the Jury-Room, and in about two Hours Time they brought in their Verdict for the Plaintiff. (See our Magazine for December last, p. 618.)

Conclusion of the DIALOGUE between an Officer of the CENTURION and his FRIEND: From the Universal Spectator. See p. 455.

Friend. YOU mentioned the Want of Strength to make any capital Attempt, as was at first intended: Do you know what Places chiefly the Expedition was originally designed against?

Voyager. Our Design was to have swept

swept the whole Coast of *Chili*, *Peru* and *Mexico*, which nothing could have hindered, if all the Squadron had got round and kept together, and the Men had continued in Health and Spirit. But the first Place we had in View was *Baldivia*, a rich trading City, at the Bottom of a fine Bay of the same Name, in Lat. 39 Degrees 46 Minutes South. It is indeed the first Town of Consequence upon the *South-Sea*: And by our beginning with that, you will reasonably suppose we intended to spare nothing that was in our Power.

F. And what might this Town of *Payta* be, which was the only one that experienced the Fury of your Arms?

V. It consisted of about 150 good Houses, besides smaller for the poorer Sort of People, and had a Fort, with a Garison.

F. One would think the Inhabitants of such a Town alone, without a Garison, had been more than sufficient to have made Head against 50 Men: How many People do you imagine there might be?

V. Why Faith, they did not give us the Opportunity of telling them: But we saw great Numbers next Morning upon the adjacent Hills, enough to have eaten us all for Breakfast.

F. Was it in the Night then, that you performed this Enterprize?

V. It was: We enter'd the Town about half an Hour after one in the Morning, and were Masters of the Fort by Two.—Two of the *Spanish* Prisoners, taken in one of the Prizes after we left *Fernandez*, undertook to be our Conductors: We had Orders to shoot them upon the first Suspicion of their having deceived or betray'd us: The Fellows knew the Sentence that hung over their Heads, and accordingly were faithful: As we could perceive the next Morning, they led us the safest and best Way up to the Fort: The People

did not know our Numbers, and so fled, Governor, Garison and all, after a little firing at us from the Governor's House and the Castle, in which they kill'd us one Man, and wounded three. The Governor was a cowardly Poltroon. that had not the common Spirit of Errantry, for which his Nation has been so famous, to protect the Fair; for we saw his own Lady carried off by a Slave. In short, when we came to the Castle-gate, where we expected a warm Resistance Sword in Hand, we found all open, and within side nothing but empty Apartments.

F. Had they no Warning, that you could learn, of your Coming?

V. Somebody escaped from one of their Ships that lay in the Harbour, as we came in with our Boats, and gave Notice to the Governor, which occasioned the Firing I mentioned.

F. What Ships had they then in the Harbour?

V. A considerable Number: I did not tell them, but I believe 12 or 15. They were all either burnt or sent to the Bottom.

F. It is said you were three Days in the Town: I wonder the Inhabitants in that Time did not learn your Strength, and come down upon you from the Mountains.

V. We were more numerous the very next Day after taking it, when the Commodore came in with his Ship.

F. And did you destroy the whole Town when you came away?

V. All but the Shells of their Churches. You know our Commission was to burn, sink, destroy, and do the Enemy all the Mischief in our Power. It was but ungrateful Sort of Work to a humane Disposition: But Humanity must not be too much consulted upon such Occasions. However, we did not kill any of the poor People.

F. How did the Sailors behave during



during the three Days they lived thus at large?

V. Contrary to their usual Custom, with tolerable Temperance in the midst of great Plenty of very good Liquors.

F. You touched but slightly just now upon the great Storm at *Cape Horn*, and the fatal Sicknesh that attended it. Did you attribute the latter to the former?

V. It was in a great Measure to be attributed to it. The Violence of the Tempest obliged us to keep the Hatches shut, so that we had almost a total Stagnation of Air, which of course grew every Day fouler and fouler. Besides, the Motion of the Ship was such, that we could not dress the Provisions we had, nor ever light a Fire; so that what Flesh was eaten, we were obliged to eat it raw. —But I would not have you think we were quite void of Invention on this melancholy Occasion: We made the best Ventilators our Circumstances would admit of, which were broad Pieces of thin Boards, shaped at one End into a Handle. These a certain Number of Men were employed to wave backwards and forwards, in order to agitate the infected Air, which, I believe, might afford us some little Advantage.

F. We have had here very different Opinions about the Ships that returned, after they had got thro' the Streights of *Le Maire*, there having been no satisfactory Reason assigned why they might not have pursued the Voyage, as well as you who did.

V. It was impossible for us, till we came home, to know what had happened to the Ships that left us: But by what we have since learned, for my own Part, who went thro' all, I cannot see why they might not have done it with equal Success, if they had not been more careful of

his Majesty's Ships, and themselves. But perhaps our Sufferings, and the Disappointment we met with, in not being able to accomplish all we intended, may make me a less impartial Judge of these Matters, than those who hear both Sides, and were not themselves at all concerned. We are ready enough likewise to blame the Crew of the *Wager*, and defend the Captain, who proposed following us in the Schooner, rather than making the Streights of *Magellan*; because the Addition of so many Men would have been a great Help to the Service: We are even apt to think, that if Captain *Cheep* comes home, he will remove the Censure that has been thrown upon his own Obstinacy, and fix it upon the Disobedience of those under him. But in this too we may be thought prejudiced, and therefore can only wish to have the Matter fairly cleared up. (See the *Abstract of the Voyage to the South Seas*, in our *Magazine* for 1743, p. 336, 393, 440, 490, 543, 592; and in our *Magazine* for January and February last, p. 25, 77.)

F. Does any Thing more recur to you that was remarkable, during this Voyage?

V. After we had been cruising off *Aquapulco* for some Time (or rather, after we had lain at *Chiquatan*, to get Information of the *Aquapulco* Ship's coming out) and saw nothing worth staying longer for, we fell into the Trade Winds, and had a most pleasant Passage, till by some Means or other, we got out of these Winds, met once more with bad Weather, which occasioned another Sicknesh, and were a long Time before we could get into them again, to pursue our Voyage.

F. The next Land you made, I suppose, was *Tinian* before mentioned, where you were maroon'd. \*

\* It was not a Boat belonging to the Ship, (as mention'd in our last) but a Pinnace they had taken, which they endeavour'd to fit out after their Ship had left them, and the Number of Men maroon'd, instead of 150, was only 111.

V. It was: But before we got thither, we sunk the *Gloucester*, and took her Men on board us. She had six Foot Water in the Hold before it was discover'd, and must have foundered, with all her Souls, if we had not been near to relieve her. Indeed, it providentially happened, that these People were more than once obliged to us during the Voyage. But upon their coming on board us, we say *as Passengers only*, and being with us when the *Aguapulco* Prize was taken, a Claim is founded by their Officers that must have a legal Decision. (See p. 464.)

F. You returned to *China* after taking this Prize. Have you nothing farther to gratify a Curiosity that I am afraid begins to grow impertinent?

V. Not in the least, I assure you. To relate the Customs and Manners of the *Chinese* would be superfluous, after so much has been written concerning them. I will only mention that with regard to us, they took us at first for Pirates: But when they found the contrary, and saw us bring in an Enemy's Ship, they *honestly* and *generously* made us pay near Double for all we had of them, because they knew we had a great deal of Money.

F. The *Chinese*, I think, were the only considerable Nation with whom you had any Commerce, or of whom you got any Knowledge.

V. The only considerable Nation indeed; and they, you know, are very shy of admitting Strangers into their Affairs. As to the rest, we can say little more than that we set out Westward, went round the World, and came home from the East: The only Places we touched at, in a Voyage of 44 or 45 Months (about 30 of which we were fairly out at Sea) having been at *Madeira*, the Island of *St. Catharine* on the Coast of *Brasil*, Port *St. Julian* in *Terra Magellanica*, *Fernandez* Isles in the

*South Sea*, *Payta*, the Island of *Zebu*, *Chiquatan*, (which the Natives write *Xiquatan*) about two Degrees North-West of *Aguapulco*, *Tinian*, *Macou*, and *Canton* in *China*, and the Dutch Settlement at the Cape of

A *Good Hope*.

F. From the last of these Places I bid you heartily welcome!

V. I believe we come welcome to every body, as we come rich. And indeed we have in general been as glad to see our Friends, as they have been to see us. The Want of a soft Companion has induced several of the Crew, whom I do not chuse to mention by Name, to forgive some Slips of their Yoke Fellows during Absence, tho' they brought the Evidences of them in their Arms down to *Portsmouth*.

DIALOGUE between a JAPONESE and an ENGLISHMAN: From the Westminster Journal. Continued from p. 458.

Jap. **B**ALANCE! Scale! Weight! Equilibre! I can tell what these Terms mean as a Merchant, when you and I deal together: But to what Purpose are they introduced here? Are the great Countries you talk'd of capable of being *weigh'd*?

Eng. I speak metaphorically only, which I thought would have created no Difficulty to one of you *Orientalists*: But by all these Terms I mean the Fluctuation of Power among the several Princes of *Europe*, and the Interest of each to prevent any one of the rest from growing too mighty for his Neighbours.

Jap. Such a Regulation and Guard over the general Independency might be very useful on the Continent: But what have you *Islanders* to do with it, whom Nature has already made independent, and provided with Means of continuing so?

Eng. Great Britain, as a considerable Power both by Sea and Land,



is more able to turn the Scale in a critical Extremity, than any other State.—She therefore engages to lend her Help on all such Occasions, and never fails in the Performance; which makes her Alliance courted and honoured.

*Jap.* And well it may, since she is so good-natured!—But do all the other Powers, who you say engage to preserve the Balance of the general System, equally exert themselves?

*Eng.* That is a Thing I cannot with Justice affirm: The other contracting Parties are often blind to their own Interest, and do not heartily engage even in their own Defence.

*Jap.* Strange indeed! And yet, by what I have hitherto learned of your Geography, the Danger is much nearer to them than it is to you.—But I fancy I guess at your Meaning: You are the only wise People in that Part of the World, and the only proper Judges of what your Neighbours and Allies ought to do: But here lies the Misfortune, they are sometimes so obstinate as not to submit to your sage Determinations, which throws Affairs into an untoward Situation.—You put yourselves to great Trouble, and great Expence, to render them Services, for which they do not see they have any Occasion.

*Eng.* The very Point: I could not have express'd it more justly.

*Jap.* You then, distant and out of Danger, can see better than they who are immediately exposed.—There is something of Mystery in this, which I shall never comprehend till we look again over the Maps, and trace the Situations, Views, and Interests of the several Nations who lie near you, that we may compare them with those about *Japan*, and reason from one to the other.—It is your own Remark, that *China* may very well stand for *France*. By the

same Rule I will put *Independent Tartary*, or that vast Country between *Muscovite Tartary*, *China*, *Indostan*, *Persia*, and the *Caspian Sea*, in the Room of *Germany*: Which it the better resembles too, as it consists of a great Number of independent Sovereignities, most of which acknowledge one supreme Head, called the *Grand Lama*. As for *Spain*, I would compare to it the *Peninsula* with us on this Side the *Ganges*; to which may be added the *Indian Isles*.

The other *Peninsula*, between the *Indus* and *Ganges*, including the two Coasts of *Malabar* and *Coromandel*, I would liken to your *Italy*.

*Eng.* You take no Notice of the vast Countries near us on the North: Look here! *Denmark*, *Sweden*, *Norway*, *Russia*, and several more.

*Jap.* Nor do you know much of what lies to the North of us. This Map is indeed the nearest Truth: But can you tell the Extent of what you call *Companies Land*, and other Countries which your People have touched only on a Spot of their Coasts?—Let us reason only from what we both can have the same Ideas of. And to come to the Point: What you call the *System of Europe*, or the *Common Interest*, is much such an Union as we might conceive between *Japan*, *China*, *Independent Tartary*, the two *Peninsulas*, and the *Indian Isles*: Is not this a just Representation?

*Eng.* I did not call it an Union neither; that Word means too much; It is rather a mutual Jealousy, which with us is the Interpreter of the most solemn Treaties, and makes or dissolves Unions alternately.

*Jap.* I hope to come by and by at the Sense of your Words, which do not yet convey to me any distinct and clear Notions: Your Actions in *Europe*, I presume, are more intelligible, that by what you do I may understand what you say. In this

mutual Jealousy then *Great Britain* has a Share, as much as *France* or *Germany*?

*Eng.* She has; and generally exerts herself at more Expence when it is raised. This is what we call *Preserving the Balance of Power*, or turning the Scale of the Weakest, when weigh'd up by the Strongest.

*Jap.* I must desire you to explain yourself by a few Examples drawn from your History.

*Eng.* With all my Heart.—You must know then, that till within these fifty Years the Sovereignty of *Spain*, and great Part of *Italy*, were under one Prince, and the Supremacy of *Germany*, with a great Part of the Property, under another of the same Family. This Family, which rose surprisingly from a very mean Original, was called the House of *Austria*. Its Power was once so great, as the two Branches generally held together, that all the other Princes, especially the King of *France*, or the House of *Bourbon*, which was the next powerful, dreaded the Increase, or even the Exertion of it. But as *France* was not alone able to reduce it according to her Wish, she set up an Outcry about the *Balance of Power*, a Phrase that had not been before heard of, and shew'd how much it preponderated on the Side of *Spain* and *Germany*. The Alarm spread like a Contagion, and drew in several other States to assist *France* against her double Rival, till at last those who assisted her saw her alone an Over-match for both Branches.

*Jap.* The Balance, I suppose, was then changed: Pray what follow'd?

*Eng.* Need you ask that Question? The same Allies who had contributed to make *France* great, join'd again to depress her, and found the Task too hard, even in Conjunction with the House of *Austria*.—At last a Branch of this House fell: The Throne of *Spain* became vacant; and the King of *France*, who had some

Pretensions on it as well as the other Branch of *Austria*, seiz'd it for his Grandson, who now reigns.

*Jap.* A greater Disproportion still on the *Bourbon* Side: How did you do to counterpoise it?

*Eng.* It had hardly been counterpoised at all but for *British* Spirit and Precaution, which animated an Alliance in an almost desperate Cause. However, Success in some Measure attended the following Efforts: The *Italian* Dominions, and some others, were wrested from the *Bourbon* Grandson, and given to a Son of the House of *Austria*.

*Jap.* Was the Balance now thought to be pretty equal?

*Eng.* It was said to be so by those who had taken in Hand to regulate it. But as there is no other Rule for knowing this but the Judgment of these Balance-Masters, which is not always the most perfect; succeeding Persons in the same Office discovered that their Predecessors had thrown too much Weight into the *Austrian* Scale, which it was therefore necessary to lighten, in order to prevent its making that of *Bourbon* kick the Beam.

*Jap.* And did your Nation again concur in this lightening Scheme?

*Eng.* Not actually; and indeed it soon appeared there was no Occasion: For by leaving the Friends we had raised to shift for themselves, and withholding our Weight, the *Bourbon* Scale again preponderated, and a new Kingdom was erected for a Son of the Grandson, upon the Spoils of the House of *Austria* in *Italy*.

*Jap.* Pretty see-saw Work!—You have seen two Boys (for such childish Customs I suppose to prevail over the World) get upon the two Ends of a long Piece of Plank or Timber, that lies poiz'd across another Piece of Timber: Alternately they mount and sink, and afford the Spectators both Pleasure and Dread: But if an unlucky third Boy, who has



has no Concern in the Sport, shall take it in his Head to add his Weight at either Extremity, aloft the adverse Boy sits quivering in the Air, while the Assisted squats safe upon the Ground: At length the officious third Boy suddenly lets go his Hold, when he that was too light, by a Spring recovers what he had lost, and perhaps throws up his Opposite into unequal Suspension.—This I take to be a fair Illustration of what you have hitherto said concerning the Houses of *Bourbon* and *Austria*, and the Part *Great Britain* has had in their Disputes.—But have you entirely brought down the History of your *Balance* to this Time?

*Eng.* We do not want much of it. Soon after the Loss in *Italy*, the only Male of the *Austrian* Family died, and his Daughter fell into a contested Succession, which *Britain* had engaged to preserve to her entire.

*Jap.* And this was undoubtedly the Time for *Britain* to act vigorously, as the *Balance* must have been more in Danger than in any other Period you have mentioned.

*Eng.* Common People indeed thought so; but our *Balance-Masters* were then of another Opinion: They suffered the Affairs of the Orphan Lady to be reduced to the greatest Extremity, without attempting to relieve her: But at last, when the Means of fulfilling our Engagements became doubly expensive, and the Prospect of Success more than doubly precarious, they undertook the Work, which at this instant, for ought I know, may lie heavy on their Hands.

*Jap.* Were there no Reasons given for this seeming Incongruity of Conduct?

*Eng.* None that were to general Satisfaction: But each *Balance-Master* hath his Partizans, who are ready to swear that all he does is done with Wisdom and Prudence.

*Jap.* Let me think how all this would pass here in *Japan*.—There is a Sort of Competition for Power between the *Chinese* and the *Tartars*, in Conjunction with the *Indians* of the *Peninsula*, that may be dangerous to the other Party, whichever prevails, but cannot extend to *Japan* otherwise than by Sea, of which she is Mistress thro' her natural Advantage. Yet the *Japanese*, out of pure Good-Nature, engage themselves in all the Contests and Jealousies of these Powers; give up the Benefit of their Situation, and expend abroad the Riches brought in by their Commerce, in order to preserve what some are pleased to call the *Balance*, but no Body can explain, among the Kings of the Continent. This is, I think, in brief, drawing a Kind of Parallel to all you have been saying more largely,

*Eng.* It is; and a Parallel that I suppose you experimentally understand.

*Jap.* I should think that *Japan* would deserve to be sunk to the Bottom of the Sea, or that some great Convulsion of the Globe should throw up Land to unite her with *Corea* (from which we believe she was formerly happily separated by such a Convulsion) if ever her People were so stupid as to fall into such absurd Measures. But to the Glory of our Nation we have hitherto avoided them: We have seen the great Revolutions of *China*, the last of which added all Eastern *Tartary* to that before prodigious Empire, without any Concern; as we had the Security of our Seas and Shipping against all that could be apprehended from any Increase of Power on the Continent. In short, we have no Possessions there, and therefore chuse to have no Concern, unless in the Disposal of our Merchandize.

*Eng.* We have not any Possessions neither on our Side of this vast Tract: But perhaps we have some other Reasons to be concerned in the general System than what you yet comprehend. Besides the great Powers at the Ends of the *Balance*, there are certain small ones I have not mentioned, that are in Danger of being crushed at every Motion of the Beam: And these we have taken into our Protection.

*Jap.* You lead me now into a new Scene. What are these petty Powers, and how are you interested in their Protection?

*Eng.* They are the *Dutch* and the *Hanoverians*. As to our Interest in their Protection I cannot say a great deal, this being found a much more trifling Consideration than that of the *Balance* of Power: But there have been other Interests so blended with ours, and with such ascendant Qualities, that what we could not be prevail'd upon to do with a View to present Benefit, we were trick'd into under some chimerical Pretence, or compell'd to as our Duty.

*Jap.* I do not rightly comprehend you: But first tell me who are these *Dutch* and *Hanoverians*; for I cannot find their Names in the Map, nor have I heard you mention them before.

*Eng.* I beg Pardon; they should have been introduced long ago, if I had consider'd them according to the Influence they have had in our Affairs. In the Map indeed they are not to be found: But if you look on the Left-hand Side of *Germany*, you will see *Amsterdam*, the Name of the Capital of the *Dutch*, written in the Sea between that and *England*, and pointing to a small Spot, not large enough to contain a single Word, which Spot is yet the whole Country of these *Dutch*.

*Jap.*

*Jap.* And how came this inconsiderable People so much the Object of your Care?

*Eng.* They are not so inconsiderable in Numbers and Trade, tho' they are in Extent of Country. But to answer to the main Drift of your Question: We were once, upon the Misbehaviour of our King, obliged to call in a King from among them, as the next Prince in Blood. During his Reign all the Counsels and Undertakings of *Britain* had a manifest Tendency to secure and aggrandize the *Dutch*: And so fond did we grow of this Cause by Degrees, that we at last (for we have not the Character of being the most quick-sighted People) look'd upon it as our own: We have lately seem'd so forward in it, that the *Dutch* themselves did not know what we meant, nor could they discover, nor would assist in averting, the Danger we swore was impending on them.

*Jap.* But these *Hanoverians*, the other People you mention'd, who are they?

*Eng.* A much less considerable People than the *Dut. b*: Their Name is not to be found in this Map neither; but I can shew you with a Pin whereabouts they are situated. —Here it is—They have the Happiness, however, to be at present under the same Sovereign as we, or rather we as they, who claim him as a Native: — For this Reason I shall say no more of them, than that they have many Interests on the Continent, tho' we have not, and that an Army of them is now kept there in our Pay, besides another of our own, who fight the Battles of *Germany*.

*Jap.* You need say no more to explain the Mystery of both our Conversations, to prove the Folly and Credulity of you *Occidentals*, and confirm me in the Opinion of our *Eastern* Wisdom. — If we ever meet again, our Discourse shall have a different Turn: We will enquire what is your natural Interest, not what you are impos'd upon to call so.

*Eng.* With all my Heart. Farewel.

N. B. This third Conversation, which concludes the Dialogue, from a third Westminster Journal, shall be inserted in our next.

LETTERS and PAPERS between Adm—l M—ws and Vice Adm—l L—k.  
Continued from p. 455.

Vice A—l L—k's Letter which accompanied the following Rejoinder to A—l M—ws.

SIR, *Nept. Maben-Harb. Mar. 16, 1743.*

AFTER you had received my Answers to your Queries thirteen Days, I did

not expect any such Replies, with such an Addition of new Matter; which, however, gives me the Satisfaction, that it has prepared me for the worst that can come from you. I hope you will do me the Justice to weigh well, and consider this Rejoinder to your Replies. I am,

A S I R,

Your most Obedient,

Humble Servant,

R—d L—k.

To the Honourable A—l M—s.

Vice A—l L—k's Rejoinder to A—l M—ws's Replies.

B THE *Namur's* and the *Neptune's* Log-Book differ the 10th February, when we brought to. The Ship came up S. b. W. till 10 o'Clock; then she came up S. E. off S.S.E. At 12, she came up E.S.E. off S.E. At 3, she came up E. off E.S.E. and continued so, until we made Sail at half past 5 o'Clock in the Morning, before you made the Signal to make Sail.

C In Answer to your Query in this Paragraph, which has been already answered in my Answers to your Queries, I should be glad to know, as you found it so late in the Night, as to be obliged to make the Night-Signal to bring to, whether it was possible for the *Neptune* to see a Day-Signal abroad for the Line of Battle a-breast, (as you have not thought proper to appoint a Night-Signal for that Purpose) and whether the last Signal is not to be comply'd with, even if it was in Contradiction to the first? Neither did the Signal appear at Dawn of Day for the Line of Battle a-breast; for you did not think proper to make it again until 8 o'Clock; before which Time two of your Lieutenants, on

D E the Back of one another, came on board of the *Neptune*. One told me, that you would lay by, until I came up to close with you; and the other told me, that it was your Directions to me, to make more Sail. Upon which I bid him look aloft, and see whether it was in my Power; all my Sail being then abroad, studding Sails and all. At the same Time, he said, that you was very uneasy, that the Rear-Admiral with his Division did not make more Sail. And as an incontestable Proof that he was farther from you than the *Neptune*, you made the Signal for him that commands in the third Post, to make more Sail, before you made the Signal for him that commands in the second Post: At this Rate, the *Neptune* and *Barfleur* must have been above 10 Miles asunder, which I never can bring myself to believe. When I brought to, as I have already alledg'd, I was in the Line with you, and could go no nearer the Enemy,



nemy, unless that I broke the Line, or you had been pleased to have given me your Directions to chase and engage the Enemy. At 5 o'Clock in the Morning, it appears by the *Neptune's* Logg-Book, that the Enemy bore off her S.W.b.W. only distant 4 or 5 Miles: How she then could be at Day-break, when you made Sail, right in the Wind's-Eye of you, full 5 Miles, 'the Wind, by the *Namur's* Logg-Book, 'being from the N.E.b.E. to N.E. and 'thus so notorious to the whole Fleet,' is a Matter of great Astonishment to me, and what I cannot allow; notwithstanding I have not consulted any of the Fleet thereupon.

The Rear-Admiral's repeating the Signal to engage the Enemy, contrary to the Tenor of the 13th Article of the Fighting-Instructions, and all Precedent from our Predecessors, was no Precedent to the Vice-Admiral; neither does Reason oblige the Vice-Admiral to answer for the Expectations of the Captains of his Division, when they are so unjustly grounded, and so inconsistent with Discipline and Service. But one would have imagined, if you had intended that this Signal should have been repeated, that while you made the *Manuscript Addition* to this very Article, *viz.* 'And strictly charged to take Care not to fire before the Signal be given by the Admiral,' that you would have then ordered the Repetition of it by all Flag Officers.

The fudding Sails continued abroad, long after you made the Signal for Battle, and were haled down for the *Torbay* to come up into her Station, (according to the Order of Battle that you had been pleased to prescribe) which Ship, with every Sail set, could not get into it; tho' these Sails were not altogether so proper to engage with, the old Practice having been to furl the Main-sail, to prevent firing the Ship. Neither do I apprehend, that as soon as this Signal appears abroad, it is a Justification, or an Authority to an Officer to break the Line, while the Signal for the Line of Battle is kept out, and to engage the Enemy in Disorder and Confusion: No, my Understanding teaches me, that this very Article binds every Officer to engage the Enemy, in the Order the Admiral has prescribed unto them. To what Purpose then should I have broke this Instruction, in Contradiction to the Signal for the Line of Battle then flying; also in Contradiction to the twenty-first and twenty-fourth Articles of these Instructions? *viz.*

21st.

'None of the Ships in the Fleet shall pursue any small Number of the Enemy's Ships till the main Body be disabled or run.'

24th.

'No Ship in the Fleet shall leave her Station upon any Pretence whatsoever, &c. &c.'

And to do this merely to fall into Confusion by separating from you to Leeward, without the Possibility of coming near enough, even to the sternmost Ship of the Enemy to do any real Service, had she or they kept afore it: Had I chased so unthinkingly with my Division, and in the mean Time the *French* had made a proper Use of my Indiscretion, by coming upon you and Real A—I R—vol—y, when I could not get to Windward again, who would not have blamed me? I am sure you yourself, Sir, would not have thought my Conduct justifiable, to have done this without a Signal: This would have been erring with my Eyes open; and then indeed with great Justice and Propriety, you might have retorted upon me, that had you judg'd it proper for me to have acted in this Manner, there was a proper Signal to be made for that Service by the commanding Officer; and agreeable to which the twenty-seventh Article is very explicit, *viz.*

27th.

'If the Admiral would have any particular Flag-Ship and his Squadron, or Division, give Chace to the Enemy, he will make the same Signal, that is appointed for that Flag-Ship's tacking with his Squadron or Division, and weathering the Enemy.'

It did not appear to me, that the Ships of my Division a-stern of me, shortened Sail; and where I could not so well distinguish myself, my Officers, on whom I could depend, frequently informed me of this Truth; and as to directing the clean Ships to go a-head of me, particularly the *Elizabeth*, *Buckingham*, and *Revenge*, my Answer already to your fourth Query, leaves no Room for you to demand any other. But supposing, Sir, that these Ships, contrary to my Observation, did shorten Sail at Times, to keep in the Order of Battle, according to the Line, either before or after that you engaged; yet, nevertheless, I had no Authority to alter your Disposition. The twenty-fourth Article of the Fighting Instructions enjoins every Ship to keep her Station; and that, nor no other Article, impowers an inferior Flag-Officer to direct any Breach of it, upon any Pretence whatsoever; while the commanding Admiral keeps abroad the Signal for the Line, and does not make the Signal for that Flag-Officer and his Division to give Chace to the Enemy. Furthermore, had I taken upon me what I could not answer, to direct these Ships going a-head of me, before you engaged the Enemy, I believe it was imprac-

practicable for them to execute it, considering their Distance a-stern of me, the little Wind and the Swell.

The *Cambridge* was not so far to Windward of me, as the *Dunkirk*, therefore the Captain's Signal was not made; and at that Time I apprehended the firing a Shot to Windward of them both, would be a sufficient Check and Direction to both Captains, especially to so old an Officer as Captain *Dr—m—nd* is, being near thirty-three Years a Commission-Officer. But tho' it may not be so proper to insert any thing here, which has not fallen under my own Observation; yet as you have been pleased to shew me an Example, give me leave in my Turn also to tell you, that it has been alledged in Defence of these two Ships, tho' they were to Windward of me, yet they were in the Line with the Ships a-head of them; and in the first Article of the Fighting Instructions, you, Sir, yourself have made a Manuscript Addition, *viz.* "And every Ship is to observe and keep the same Distance those Ships do, which are next the Admiral, always taking it from the Center." As to sending my Lieutenants to command the *Dunkirk* and *Cambridge*, the Shortness of Time between the Shots being fired, and your making the Signal to leave off Chace, would not (had there been much greater Necessity to do it) admit of such a Proceeding.

Notwithstanding the Replies you have been pleased to make to my Answers to your *Queries*, I find that I must repeat to you again, that I did the utmost to cut off the four sternmost Ships of the Enemy; and as my last Recourse, to bring on an Engagement, where I had the Prospect to divert those Ships of the Enemy from endeavouring to destroy the Fire-ship, as well as to stop them from getting a-head to the Assistance of the *Real*, I fir'd a Broadside at the nearest Ship, which was the sternmost; the Shot of which did not all fall short of her, but she directly bore away, and made more Sail, which was what I could not do.

I defy Malice itself to say the contrary, with the least Regard to Truth; and I must tell you, Sir, that no Man ever had it more at Heart, or could endeavour more than I did to get up to your Assistance; and also to get up to the Relief of the poor *Marlbrough*, who was torn to-pieces indeed!

I never broke the Line of Battle, neither did I ever shorten Sail, or hale upon a Wind, till you haled down the Signal for Battle, and the Signal for the Line of Battle, and made the Signal to give over Chace. I did not give you for an Answer to the last Part of your fourth and last Query, that I

left off pursuing the Enemy, and clap'd upon a Wind in order to protect the Rear-Admiral; be pleased to consider my Answer, you'll find my Words are these: "That when you haled down the Signal to engage, and made the Signal to give over Chace, I immediately shortened Sail: You haled your Wind, I did the same, as it appeared to me to protect Rear A—l R—ul—y, and his Division; the Van of the *French* Fleet being then tackt, and endeavouring to double upon him."

Do these Words mean more, or can they be taken in any other Sense, than that in Obedience to your Order then abroad, to leave off Chace (no Ships being then in Chace but me and my Division) I was necessitated to comply with it: And that this Signal was made by you for the Protection of the Rear-Admiral?

You have been pleased to make many Repetitions, asserting, that I broke the Line of Battle; therefore however unwilling I may be to take up Time by unnecessary Repetitions, there seems to be an absolute Necessity for me to fall into them.

I am greatly surprized to find you should tell me, that I had given you Reason, for what I never did: Be pleased to look over my Answers to your *Queries*, and I desire that you would not misapprehend them to my Prejudice, for I never could acknowledge an Untruth. I never broke the Line of Battle, nor quitted the Enemy, that is what I never did; nor never would do: And I now likewise affirm, that I never clap'd upon a Wind, with my whole Division, or any Part of it; neither did I ever shorten Sail, until you was pleased to call me off Chace, by hoisting the White Flag at the Fore-top-mast Head, and at the same Time haling down the Signals for the Line of Battle, and engaging the Enemy; and I am sensible it was my Duty to do it, without regarding the Situation of the Rear-Admiral. But surely there could be no great Crime, in observing what many others did, that you from all Circumstances made this Signal for his Protection.

You have likewise been pleased to draw this Inference, that by all Accounts, had not I clap'd upon a Wind, with my whole Division, which I never did (until it was my Duty so to do) "That in a Quarter of an Hour, at least, I might and must have engaged these four sternmost Ships, by which Means the *Real* escaped you." Give me Leave to affirm, that you haled down the Signal to engage the Enemy, and the Signal for the Line of Battle, and made the Signal to give over Chace, before the four sternmost Ships got up to you, and that you had left the *Real*, before they could



could possibly get a-head to tear you to Pieces; and to this Truth I have the strongest Asseverations.

You continue your Charge, by adding, that my Neglect of this Piece of Service was obvious and plain. To whom, Sir, was it obvious and plain? From whom had you these Accounts? It would have been doing a friendly Part to me, to have mentioned your Authors; and what Person that has either Honour or Honesty could inform you, 'That had I not forsaken the Enemy with my whole Division, I must have engaged them in a Quarter of an Hour at least.' For you yourself, Sir, have more than once said, that your Situation was such, that you could not distinguish what was doing a-stern of you. It appears then to me, that you have altogether depended upon Information; and I must take the Liberty to tell you, in my own Defence, that my Character, at this Time of Day, after such a tedious Length of Service (where I have always had the good Fortune to gain the Approbation of my Superiors, and the good Wishes and Friendship of my Inferiors) is not to be blasted thus by Hearsay; or prejudiced by the infectious Breath of Slanderers: Nothing being so easy, as general Charges and Assertions; nothing so true, as the old Maxim, *Throw out your Calumnies with Assurance, and some of them will find Credit.* I am sorry, extremely sorry, that any Thing like this should seem to be the Case between you and me.

I have already taken Notice, that I was rather to Leeward with my Division, than to Windward of the Line of Battle; therefore the Captains of my Division, notwithstanding the Signal for engaging the Enemy was out, did their Duty in following me: For which Reason I am at a Loss to apprehend your Meaning, as you are pleased to say, 'That to have undeceived them, would have been doing not only the Duty of an Officer, but likewise a friendly Part to you.'

When I answered your Queries, I was conscious to myself, that I had done my Duty as an Officer, and a Friend to you; and tho' these Answers do not give you Satisfaction, which is no Instance of your Friendship to me, and you have sent me Replies to them, after a Delay of thirteen Days: Yet, even from them, I am more and more convinced, that nothing was left undone for his Majesty's Service, and the Destruction of the Enemy, that I had Power to do.

I am greatly surprized that you should be displeased, because I concluded in my Answers to your Queries, that had you

been pleased to have dropt a Boat with your Directions, to those Ships of your Division and mine, between you and me, to have attack'd the four mention'd Ships of the Enemy, they would have forced them a-stern for our coming up. And really, Sir, I cannot help wishing, that you had been pleased to have done so, before you yourself began the Engagement; for I think it could not have failed of answering the Purpose. It would have been at least a great Aggravation of that Man's Crime, who, after such a Direction, neglected coming to your Assistance.

I could not make the *Neptune* go faster a-head; a Boat from me at the Distance I was from these Ships, was striving at what was out of my Reach. For you will be pleased to consider, that there is a wide Difference between dropping a Boat a-stern, and sending a Boat a-head to Ships at such Distances off, that were all under Sail; neither could I take upon me to direct your Division, that was much nearer the Commander in Chief, than the Vice-Admiral. Besides, had it been necessary for the Ships to have gone to Leeward of the Line with you, (especially as you have been pleased to make a *Manuscript Addition* to the first Article of the Fighting-Instructions) I, that was bound to the Order myself, as much as any Captain, could not authorize and empower others to break it.

I would not willingly give Offence, or irritate Matters more; but when I am attack'd in so violent a Manner, so injurious to my Honour, and my constant Practice all my Life long; you must give me Leave to wish from my Soul, that you had had a little more Patience before you engaged; and since the sole Dependence was on my Division, to have waited until the Line had been formed, and we had come up to close with you, agreeable to the *Message* which your Lieutenant brought me in the Morning.

I must be blind, Sir, if it could possibly escape my Observation; neither indeed can any impartial Person help seeing it, that while I and my Division have been thus undeservedly blamed, nothing by you, like *Censure*, has been imputed to the Center. It is notorious, that not above seven Sail of the Enemy engaged (and probably a less Number) where there were eleven Ships in our Center, besides the *Berwick* and *Kingsfon*, in all thirteen Ships, that from the Beginning had it in their Power to reach the *Spanish* Squadron, in what Manner you had been pleased to have directed. And surely, without any great Degree of *national Vanity*, thirteen Sail of *English* Ships of War, such as these were, and under

## 502 *The Queen of Hungary's Reply to the Prussian Minister.*

*your Direction, Sir, were a Match for seven Sail of Spanish Ships; at least to have kept, or forced a-stern the four mentioned Ships for our coming up, that could not possibly fire a Gun to tear you to-pieces, before the Time that you made the Signal for the Fleet to give over Chace, and haled down the Signals for the Line of Battle, and for engaging the Enemy.*

Your last Page, and the latter Part of the preceding one, are a Repetition of what has been already answered. But, however, give me Leave to ask, Sir, why you judged proper to hale down the Signal for the Line of Battle, as well as that to engage the Enemy, and made the Signal to give over Chace, if you did not expect me to shorten Sail, and clap on a Wind, (as you yourself did) in Obedience to you the commanding Officer? For I insist upon it once more, that I did not do it, until you commanded me by this Signal. To what Purpose then, Sir, have you been pleased to say, 'That I assisted you with my Judgment, in doing what was not in my Power to do, viz. to go to the Assistance of Rear-Admiral R——y, yet would not assist you, when it was absolutely in my Power? &c.' I do not think it improper here to say, that my Judgment, or Opinion was never ask'd. I have had a Proof from you, Sir, these two Years, that it was not worth a Summons, tho' I had the Honour to bear his Majesty's Flag; yet I have always, *even in the Day of Battle*, been kept ignorant of your Designs, more than many private Captains.

I must take the Liberty to tell you, that I have always assisted you to the utmost of my Power, as Vice A——l; and if you have deprived yourself of my Assistance, by your great Impatience, in never suffering me to close with you, nor did not give me more Authority by proper Signals, I am no Ways answerable.

It gives me Pain to repeat to you again, that I endeavoured my utmost to hinder the four sternmost Ships of the Enemy getting a-head, and I could not possibly do more: Which Endeavours, I do affirm, stop'd these four Ships from getting near enough to attack the *Namur*, till long after you made the Signal, to leave off Chace; and when they did fire upon you, it must have been at the Close of Day, when soon after all Firing ceased.

It's true, Sir, that you have my Answers to your *Queries* under my Hand, and you have now my Answers to your Replies under my Hand; both which you may make what Use of you think proper; knowing very well, that if you can take any Advantage either in Defence of your own Con-

duct, or to arraign mine, that you will be sure to do it. And I shall therefore be extremely careful in keeping your *Queries*, as well as your Replies to my Answers; which are both under your Hand, and a great Comfort to me

To conclude, Sir, I take upon me to affirm, that it was neither in my Power, to prevent the four Ships of the Enemies getting a-head, either by disabling them or obliging them to put afore it, unless you had, instead of making the Signal to give over Chace, made the Signal for me and my Division to give Chace: And then, Sir, tho' I could not have come up to disable them, yet I might have certainly kept them afore it, and myself with my Division been justified in breaking the Line of Battle, which Signal was then abroad.

I must not forget to add, that at least three of these four Ships did not reach the Fire-ship; I am sure the sternmost did not fire one Shot at her; so that in Fact they were no great Hinderance to the *Real's* being burnt, nor any to the *Real's* falling into your Hands; because you had left the *Real*, and made the Signal to give over Chace, before they came near enough to attack the *Namur*.

R——D L——K,

Neptune, Mahon Harb. Mar. 16, 1743.

[More in our next.]

**D** *The QUEEN of HUNGARY'S REPLY to the Prussian Minister's MANIFESTO. Continued from p. 452.*

**A**ND now the World may judge, which of the two it is that may be taxed with overlooking the fundamental Laws of the Empire, its internal Tranquillity and Welfare, the just Privileges and Prerogatives of other States, their fellow Members of it, and lastly the Welfare of *Europe* in general, so closely united with the above mention'd great Objects: Who it is that may be taxed with all these Imputations, either he that rejects such Proposals as those just mention'd, or he that thinks of forcing them upon the other. As therefore it was impossible to come into such Schemes to make up Matters, there still remained the Difficulty, how and by what other Method the abovemention'd two Points of Indemnification and Security could be obtained, without Prejudice to a third and unconcerned State.

**G** To this End it was, and not out of Hatred against the Court of *France*, or an irreconcilable Temper, which the Queen is a Stranger to, and is ready to shew it as soon as on their Part they'll shew a sincere Inclination to be reconcil'd to her, that from the



the Side of her Majesty it was proposed, that the Emperor shou'd join with her against the Crown of *France*, and in this Manner concur in making out what on both Sides wou'd answer their Purpose. Count *Seckendorff*, at the Conference of *Nieder Seckendorf*, has in his Master's Name, given good Hopes for such a Union, of which the Journal of this Conference is an undeniable Proof, and upon this very Assurance it was, that were founded the Conditions stipulated for the Garison of *Brannau*; and those relating to the *Bavarian* Troops: But Experience has shewn but too well, how little the Effects agreed with their Words. Since therefore it was impossible to obtain the Elector of *Bavaria*'s Concurrence in a Thing so conducive both to his own Advantage and that of the Empire, it was thought proper in the next Place to endeavour, with the Assistance of the true and well-intentioned Patriots among the Electors and Princes of the Empire, to prevail with him at least not to obstruct the Queen's Undertakings against *France*; so much the less as, in Case of Success, it wou'd facilitate the Means to make up the Breach between the two Illustrious *German* Houses, so closely united by the Ties of Blood, and to their reciprocal Satisfaction too; the Overtures made on this Account by the Circle of *Saxonia* in particular have been publish'd long ago. But neither cou'd this Proposal find any Access at the Court of *Frankfort*, nor another that was made of a certain Exchange, which, tho' very advantageous to the Electoral House of *Bavaria*, wou'd have deprived the Archducal House of all Indemnification, with no other Advantage but a little more Security for the future to itself, as well as the internal Tranquillity of the Empire; in lieu whereof, they persisted in making such Proposals, whereby neither the Archducal House, nor the Welfare of the Empire, nor the Liberty of all *Europe*, cou'd find any Security; since upon the breaking out of any Troubles in the East, they could not hinder the House of *Bourbon* to oppress the Archducal House, the Empire, and the Liberty of *Europe*, and so to compleat what for the present they have in some Measure been disappointed in.

So that all these Means having prov'd fruitless, nothing remain'd towards the obtaining the so-much-desired Reconciliation of her Majesty with the Court of *Frankfort*, than to try to recover, without its Concurrence, the *Avulsa Imperii*, which had been torn from the Empire, and thereby, with obtaining the said Reconciliation, to support the Dignity of the Empire, to obtain Security for the future, to restore both the in and outward Tranquillity of it, together

with the Welfare and Liberty of many States, who are actually oppress'd under a foreign Yoke. But on the other Side, nothing was done to contribute towards it; nay, on the contrary they did their utmost to oppose so salutary a Measure; with this View the *Bavarian* Troops joined those of *France*, and the very Place where they shou'd have hinder'd the Passage of the *Rhine*, is pretended and maintained by the Court of *France*, so closely united to that of *Frankfort*, not to belong to the Empire, but to be under their own Jurisdiction. But when, notwithstanding the Passage of the *Rhine* had its Success, it is known to all the Empire, that, in Conjunction with the *French*, they hasten'd to *Gron Weissenburg*, to no other End but to prevent *Alsatia*'s coming again into the Hands of the *Germans*; to that very End it was, that so much *German* Blood was spilt there, and that the *German* Troops, as *French* Auxiliaries, were by them every where put foremost, in order to save their own. And now let all the impartial World be judge, whether this is to drive the *Bavarian* Troops out of the *German* Territory, or utterly to root out of it the Head of the Empire; and of which of the two Parties it may be said with Truth and Justice, that no Instance of such a Conduct was ever to be met with in the History of the Empire, and that it will hardly be credited by Posterity. Notwithstanding all this, her Majesty still persevered in her sincerest Desire of a Reconciliation, and has made her utmost Efforts to procure the Means towards it, even against the Will of the opposite Party, and would no doubt succeed in it, after the effectual Support given her since by her Allies, if his *Prussian* Majesty could still be persuaded, agreeably to the strongest Assurances he had given her, faithfully to comply with what is so clearly express'd and stipulated in the first Article of the Treaty of *Breslau*, concluded under the Mediation and Guaranty of *Great Britain*, viz. Not to commit, nor suffer that any one else shou'd commit any Hostility, secretly or openly, either by himself or by any other.

N. B. Not to lend any Succours, neither to the Enemies of the Queen under what Pretence soever; not to make any Alliance with them contrary to this Treaty; to keep up for ever an indissoluble Friendship with her; to endeavour reciprocally to maintain the Honour, Advantage and Safety of each other; In short, to obviate, as much as possible, the sole Force of Arms excepted, the Damages of which the Queen might be threatened by any other Power.

Such a Compliance of the King of *Prussia*

*fla* is a Thing so much the more still to be hoped for, as not only Faith and Honesty undeniably require it; but also in Consideration of what the intercepted Letters of *Villaria* plainly discover, how far the unbounded Views of the House of *Bourbon* extend, and how much the Treaty of Union may be abused to compass their End. If the View and Design of his *Prussian* Majesty, as the Declaration read by Count *Dobna* assures, is no other than a speedy Re-establishment of the Tranquillity of the Empire, the Support of the Imperial Dignity, of the Constitution of the Empire, of the Dignity of the Electoral College, and of the old and just Liberties and Prerogatives of the other States; all that is to be done to procure this End, is only not to obstruct from the Side of *Prussia* the Measures of her *Hungarian* Majesty, towards compassing these great Objects, which no Body has more at Heart than herself. In that Case no Body will offer to disturb the Tranquillity of the Empire; the Reconciliation of both the illustrious, and by the Ties of Blood so often-united Houses, will follow of course, and without Injury to the Right of a third Person; and the Difficulty about the Election will be removed at once to the Satisfaction of both Parties, and all this, by keeping close both Sides to the clear Rule and Prescript of the Golden Bull.

The bare Exposition of the Facts here alledged are a sufficient Proof of it. And her Majesty the Queen repeats and confirms again in the strongest Manner, all that has been declared hitherto in her Name, as well as what is so fully express'd in the Answer to the *French* Declaration of War, concerning her peaceable Disposition, and her earnest Desires towards a solid and lasting Reconciliation.

There is still Room left for easily preventing the Mischief; but if against Expectation, and against all the above Considerations, the Queen's Enemies shou'd still be bent upon the Oppressing of her and her Archducal House, her Majesty will not be discouraged. The Arm of the Almighty is not shortened; and the most hidden Counsels, tho' never so carefully conceal'd, and all the Designs never so much denied to the World, are not hidden to his all-knowing Providence. But let the Issue be as it will, her Confidence and Trust in God, and the Justice of her Cause, can never be lessened by the Event.

Then follows an APPENDIX, which first gives this separate Article of the Treaty of Francfort, which is denied by the Emperor, and said to be invented by the Court of

Vienna, and absolutely false. (See p. 458, F.)

As much as the Backwardness which has hitherto appeared in the Court of *Vienna* and her Allies towards the Re-establishment of the Repose and Tranquillity of the Empire, leaves but too good Reason to fear, that very far from consenting to amicable Terms, according to the Intent of the Treaty concluded between, &c. she will reject or entirely elude the Effect which might be expected from them; it will be indispensably necessary to have Recourse to stronger and more effectual Methods: His Majesty the King of *Prussia*, always animated with a Desire of co-operating towards the Pacification of *Germany*, after mature Reflections, is of Opinion, that a shorter and more decisive Expedient to that End cannot be made use of, than for him to promise and engage, as by the present separate Article he promises and engages, to take upon himself to make the Expedition towards the conquering all *Bohemia*, and to put his Imperial Majesty in Possession of that Crown, and to guaranty it to him, for himself, his Heirs and Successors for ever: His Imperial Majesty, touch'd with the most lively Gratitude, does upon that Condition, for himself, his Heirs and Successors, from this Time, give up to his *Prussian* Majesty, irrevocably and for ever, in the strongest and most authentick Manner, the Right which he has to the Circles, Lordships, and Towns herein after named, to wit, The Town and all the Circle of *Königsgrätz* in its whole Extent. Moreover his Imperial Majesty gives up to his Majesty the King of *Prussia*, the Circles of *Bunzlau* and *Leitmeritz*, in such Manner, that all the Country situated between the Frontiers of *Silesia* and the River *Elbe*, and from the Town and Circle of *Königsgrätz* to the Confines of *Saxony*, shall belong to his Majesty the King of *Prussia*, in such Manner that the Course of the *Elbe* shall be the Barrier of the two States; thus the Country which is situate on the other Side that River within *Bohemia*, shall remain to his Imperial Majesty, although it should be appendant to the Circles ceded to his *Prussian* Majesty, excepting the Lordship and Town of *Partauwitz*, and of the Town of *Collin*, which his Imperial Majesty does from this Time give up to the King of *Prussia*, his Heirs and Successors for ever. His Imperial Majesty, upon the said above-mention'd Conditions, engages himself, from the present Time, to guaranty to his Majesty the King of *Prussia*, his Heirs and Successors for ever, all the Countries which he has given up to the said King of *Prussia*,



*Prussia*, or does give up by Virtue of this present Article; provided always that *Bohemia*, upon the Foot that it is to remain to his Imperial Majesty, shall not be ever liable to be farther dismembered in any Manner whatever. Moreover, his Imperial Majesty, upon the said above-mentioned Condition, gives up to his *Prussian* Majesty, irrevocably and for ever, and to his Heirs and Successors, in the strongest, most solemn, and most authentick Manner, the Right which belongs to him to *Upper Silesia*. He besides engages to guaranty the same to him, his Heirs and Successors, for ever, as soon as his *Prussian* Majesty shall have conquered the same, and have taken Possession of it. In like Manner, his *Prussian* Majesty promises to guaranty to his Imperial Majesty, his Heirs and Successors, for ever, *Upper Austria*, as soon as his Imperial Majesty shall have conquered the same, and taken Possession of it, &c.

The rest of the Appendix, which is a long and tedious Piece, is to shew, That the Court at *Vienna* knows of no other Proposals of Peace, but such as are infinitely prejudicial to herself, or to a third innocent State. On the Queen's Side, it says, the sincerest Desire for a Reconciliation has always been shewn, and in order to give full Proof of it, it has been often declared, that her Adversary might at least be assured of the Possession of as many Dominions, and as great Revenues as he had before this unjust War, if he would entirely separate himself from the Crown of *France*, and sincerely and effectually employ his Endeavours towards the future Security of the internal and external Tranquillity of the Empire. In Conclusion it says, The Queen is engaged in Friendship and Alliance with those who acknowledge her Adversary as the lawful Head of the Empire: She even is ready to desist from her Opposition, founded upon the most ancient fundamental Law of the Empire, the Golden Bull, as soon as she receives equitable Satisfaction for what is past, and sufficient Security for the Time to come.

To the AUTHOR of the LONDON MAGAZINE.

S I R, Bath, Oct. 1, 1744.

AS my Health obliges me to reside here many Months in the Year, I make frequent Excursions from hence to see Places and Curiosities, with a Design not only to view but to contemplate the various Works of Art and Nature. At the Distance of about eleven Miles from Bath is a Nobleman's Seat, particularly elegant

in its Furniture, and so situated as to command a Prospect of a most beautiful Vale, laid out in small Enclosures, diversified by little Cottages and Farm-Houses, and bounded at a proper Distance by a rising Amphitheatre of Hills, which are covered either with Trees, or with fine Turf. The Gardens lie behind, and are above the House; they are adorned with Vases, Busts, and Statues of several Sorts. Some of the Statues are of Marble, and are exquisite in their Kind; but every Statue, and every Bust has an Inscription. I was so particularly pleased with the Mottos, that with the Gardener's Permission I transcribed them. You will oblige me by inserting the Catalogue, as it may incite others to follow this Method of inscribing such Sentences upon Pedestals, as may at once explain, adorn, and enliven the Statues which they support.

*Apollo*, in Marble, larger than the Life, by *J. Flamingo*.

Motto.

*Eris mihi magnus Apollo.*

*Paris*, in Marble, by Ditto, holding the Apple of Discord in his Hand.

*Nobis forma placet: sapientia, regna, valete.*

*Venus de Medicis*, in Marble, by Ditto, with a little *Cupid* riding upon a Dolphin, and triumphantly holding up the Apple of Beauty. At the Feet of *Venus* another Dolphin.

*Victrix nuda Venus, dubitat quis vincere nudam?*

The *Hermaphrodite*, in Marble, by Ditto.

*Hermaphroditus en forma duplex! nec femina dici non potest.* [detur.

*Nec puer ut possit: neutrumque et utrumque vi-*

*Bacchus*, in Marble, I know not by what Sculptor; the Hands and Legs modern, the Body and Head are finely carved.

*Quisquis es, O hospes! Baccheia sacra frequenta.*

In the Portico of a very neat little Edifice, built in the Garden, stand two Marble Busts of *Fauns*, and between them a small Marble antique Statue of *Sylvanus*. The Motto to the latter is,

*Stet domus ista diu, stet nostro numine tuta;*  
*Dis aliis caelum, sed mihi terra juvat.*

The Motto to the young *Faun* (a Boy) is,  
*Faunus ego, Faunus nympharum et ruris amator.*

The Motto to the laughing *Faun* (a Girl) is,

*Ridet amatorem Fauna puella suum.*

These, if I mistake not, are all the Marble

# 506 Some Thoughts for the better preventing Robberies, &c.

ble Statues which stand in the Garden: There are others of Lead, upon the Pedestals of which are inserted the following Inscriptions.

*Ver.* (A Statue of Flora, representing Spring.)

*Nati sine semine flores.*

*Æstas.* (A Statue of Ceres, with a Sheaf of Corn and Sickle.)

*Parva seges satis est.*

*Autumnus.* (A Statue of Bacchus with a Bunch of Grapes.)

*Minimum Falernis invidet uvis.*

*Hyems.* (A Statue of Winter represented as an old Man.)

*Tacitis senescimus annis.*

A Bust of Pan, upon which is this Motto.

*Pan fuit armenti custos, nunc protegit hortos,  
Nec pudet Arcadiam deseruisse suam.*

About the Distance of a Quarter of a Mile from the Garden, at the Bottom of a Hill, is a Spring of the clearest Water I ever beheld. In the Midst of it stands a Rock of petrified Water, taken out of Hooky-Hole, near Wells in Somersetshire; and upon a Stone are engraved these Lines.

*Wonders our county boasts, and those her own,  
See liquid water turn'd to solid stone!  
Let Derby's Peak the devil's labour show,  
Our petrifications all from nature grow.*

The Spring itself is dedicated to the Juvenal of this Age: The Words of the Dedication are,

*Guilermo King,  
Eruditissime, amicissime,  
venerande,  
Hunc fontem sacravit.  
O. — 1742.*

Under an old Oak near the Spring stands a Stone Bench, upon which is engraved,

*Ecce scamnum!*

*Otia dat pigeris, reddit solatia fessis,  
Et senibus somnum, et mensam messoribus aptam,  
Præbet dura nimis, sed grata cubilia nymphis.*

Upon the Borders of the Spring, which are paved with Stone, two little Boys are placed, the one playing with a Castle-Top. The Motto is,

*Ludo in æternum.*

The other with a green Hat on his Head, explains his Posture by his Motto.

*Cam socio mingas, aut saltem mingere fingas.*

The Heads of three Poets stand amidst Oaks, Bays, and Laurels, on each Side of the Water: Upon Virgil's Pedestal is engraved,

*Hic gelidi fontes, hic mollia prata,  
Hic nemus.*

Upon the Pedestal of Horace,  
*Ære perennius.*

Upon that of Homer,

*Nec te pœniteat ruris, divine poeta!*

The Whole is encompassed by a little Garden filled with Shrubs, Flowers and Evergreens.

I shall, Sir, from Time to Time, communicate to you, any other Curiosities that occur to me in my Travels; and am,

S I R,

Your humble Servant,  
P. S.

**B** Some Considerations for rendering the Punishment of Criminals more effectual, for putting a Stop to the late enormous and growing Evil of Street Robberies, &c.

**M**URDERS and Robberies have been of late more frequent than has been known in the Memory of Man; and I must attribute to the natural Inclination of the English, who are not sanguinary, our not hearing of as many Murders as Robberies, since the Man who takes a Shilling on the Highway, shall meet with the same Fate as if he had murdered Half a Score People.

**D** This Inequality in the Punishment is the principal Reason of the Frequency of the Crime. If Murder was to be punished with greater Severity, or Theft or Robbery with less, it would, in all Probability, have its desir'd Effect. All other Nations adapt Punishment to Crimes; the Dutch have their *Lex Talionis*, the Wheel, the Gallows, and the Sword; the French, Germans, &c. have the St. Andrew's Cross, hot Pincers, Scalping, &c. the Italians, besides these, the *Strapado*. The Spaniards have all these ordinary Ways of Punishment, and the Faggot to boot; the Turks have not only the Sword and Gallows, but they impale, and punish flagrant Criminals after the following Manner.

**E** The Patient (to use a French Term) is brought into a Room, where a large Copper Plate is supported by four Pedestals, with a Fire under it. When this Plate is red hot, the Executioner takes a Sash, putting it round the Waist of the Criminal, and two sturdy Fellows draw it, till his Belly is brought as near the Back-Bone as 'tis possible; then the Executioner fixes two Hooks under his Arms, which are fastened to two Pullies, and with his Scymitar cuts him off in the Middle, and hoists his upper Part upon the burning Copper Plate, which stanches the Blood, and keeps the Criminal alive in exquisite Torture, till the Time he is condemn'd for



for is expired, and when he is taken off, that Minute he dies. In *England* we have, except in Treason and petty Treason, no other Punishment but Hanging, and I don't know but that may be the Reason of so many Murders, the Number of which would certainly be greater, if we were as sanguinary as some other Nations. For which Reason, it may be worthy Consideration, whether the Laws, as they stand at present, are not a little too severe in the one Instance, and a great deal too mild in the other.

I have made it my Observation, for many Years, what different Methods some Rogues have practised in Robbing, in or near *London*; and at the Beginning of each new invented Project, others whose Inclinations are bent for Mischief have immediately copy'd after them.

'Tis not long since I read in some of the News Papers of a Pedlar's having his Tongue cut out, robbed, and left bleeding on the Road; and as he could not write, nor consequently tell who were the Persons that committed the horrid Fact, they spared his Life.

The Baker, Mr. *Gibson* of *Islington*, was not many years ago robb'd by five or more Villains, who used him with the following ill Treatment, viz. shooting him, without the least Warning, and afterwards binding him, whilst in the utmost Anguish of his Wounds, and leaving him for dead, rifled his House.

Another Instance, is an unhappy Accident which befel an Acquaintance of mine, who was walking in the Streets about 9 o'Clock at Night; a Villain, without the Ceremony of saying, Stand and deliver, knock'd him down with a Bloodgeon: the Violence of the Blow, separated the Flesh from his Skull; about three Inches square, so that his Life was despaired of for several Weeks after.

From hence I premise, that, in Case any Persons are convicted, guilty of the like Barbarity, they shall be punished by the common Hangmen, in a Manner adequate to the Severity or Torture which they inflict upon those they have robbed, and inhumanly used, and to be taken proper Care of till their Wounds are near healed, and then hanged.

But in more desperate Villanies, which end in Death, the Lions, or Tygers, kept in the Tower, which at present are only useful to divert People's Curiosity, would become the best and fittest Executioners, for such detestable Criminals, who are

found guilty of wilful Murder. The Horror that must naturally arise in them, at the shocking and most dreadful Approach of such a Death, when thrust, bound Hand and Feet, into the Den of these their kindred Savages, and have nothing but a View of exquisite Torment from their sharp Talons and voracious Jaws, must needs have the most sensible Impressions upon them, and strike such a Terror on other Criminals, as, in all likelihood, would make them avoid Cruelty and Murder, since Death for Theft and Robbery would be but barely Hanging \*.

I shall conclude with a Method practised in the City of *Pekin*, in the Time of *Kao*, Emperor of *China*, 1700 Years before the Birth of our Saviour, for the easy discovering of any one who had committed notorious Crimes, and escap'd the Hands of Justice. It is this:

'Every House has a Board over the Door whereon is written the Number, Sex and Quality of every Person living in it; and to a certain Number of Houses, one is appointed to inspect the rest, and take Care that it be exactly done.' If this were done in *London*, in suspected and beggarly Places only, it would, in all Probability, prevent Street-Robberies, and other Enormities, so often committed in the City and Suburbs of this grand Metropolis.

As for those kind of Offenders, who are now liable to Transportation, and for that Reason are not only entirely useless to their own Country, but a Burthen to those Colonies to which they are sent, by the Villany and ill Example, as well as the Numbers of them, if their Manner of Punishment were changed, and if, instead of being sent Abroad, they were to be kept at Work at Home, these Rogues, who are now not only so great a Nuisance to us, but also so great an Inconvenience to the Plantations where they are transported, will be made useful, if not honest, Members of the Publick.

There are several Parts in *Great Britain*, from whence we have our rough Stone and wrought Iron. In every one of those Places, as Time will admit, and Money can be raised for the Purpose, they should be employed in building a strong open Work-House, where they should be kept constantly at Work in hewing and sawing of Stone, and in beating at the Anvil, in the same Manner as such Kind of Offenders are in the Rasp-Houses at *Amsterdam*. And as the Time of their Servitude should be according to the Kind and Degree of their

\* By the Laws now in being, if a Man murders his Wife, he is but hang'd; if a Woman murders her Husband, she is burnt: Wherefore, then, should not a proportionable Punishment be inflicted on a common Villain?

their Crimes, so should the Nature of it too; for the greatest Offenders should be employed in digging and hewing of Stone in the Quarry, and in that Sort of Work which is the most painful and laborious, while those whose Crimes are but light and trivial, not being Artists in any handicraft Business, shall be instructed, by fit and able Workmen, to model the Stone, and to make and manufacture all Sorts of Iron-Work proper for the Use of Builders, Masons, Shipwrights, Husbandmen, &c. and to supply our Plantations, and other Places abroad, with the same. As for the Female Felons, they should be kept by themselves, in Places regulated as aforesaid, and employed in carding of Wool, winding of Yarn, or such Work as shall be deemed most proper for them. But if at any Time we should happen to be at War with the *Moors* of *Salle*, or *Algiers*, so that any of our Countrymen be taken by them, and carried into Slavery, then such of those Criminals, of either Sex, as may be esteemed most fit for the Purpose, should be exchanged for them; and, in order to facilitate the Redemption of those unhappy Captives, two or three, according to the Circumstances and Exigency of the Case, should be given to ransom one.

As some may object, that ill Consequences will happen, (from inflicting any Kind of Slavery on free-born Subjects) which in Time may affect our Liberties, I shall answer such groundless Suppositions with a Matter of Fact. The *Dutch* having observed frequent Lacernies to have been committed amongst them, in the Year 1595, converted the Cloyster of the Nuns of *St. Clare*, in *Amsterdam*, into a Rasp-House, and therein confined Thieves to hard Labour; and yet after 138 Years Trial, have never found that such their exemplary Justice has occasioned the least Infringement upon the Liberties of their honest Subjects: Wherefore should we fear any worse Consequences from confining Felons to hard Labour at Home, in Respect to our Liberties, than we find at present from transporting them abroad to our Plantations?

It is proposed also, that such as, notwithstanding the Expedients above-mentioned, shall be doom'd to the Gallows, their Bodies, after Execution, shall be made liable to be purchased, by any Surgeon: That after the Surgeons Company have chosen the Body allowed them by Law, then any private Surgeon shall be at Liberty to purchase any other he shall pitch upon.

I cannot well omit the following Story, as 'tis a parallel Case to the Subject I am now treating of.

The Women of *Sparta* being much ad-

dicted to Self-Murder, the Senate, in order to remedy that Evil, made a Law, that the Bodies of all such as should destroy themselves, should be exposed naked on a Hurdle, and drawn publicly thro' all the Streets of their City; which proved so effectual, that only one was known to offend afterwards: And as Death itself is hardly more terrible to the Minds of Criminals, than the Apprehensions of being dissected, so were the Bodies of all executed Felons made liable to Dissection, it would reduce the Number of Felons, and in a Manner greatly prevent such pernicious Offences; and would further effectually supply the Demands of our Surgeons, and wholly prevent the horrid Custom of digging up dead Bodies after decent Interment; a Piece of Inhumanity, which otherwise may be practised on the Body of the dearest Friend or Relation.

P. S. If the Legislative Power thought it necessary to impose a Tax yearly upon every one (the Army excepted) that should wear Swords, Cuffasses, or any other Weapons judg'd Instruments of Death, having a Register kept for that Purpose, the Advantages that must evidently arise would be considerable, not only to bear a large Proportion by Virtue of their Taxation towards the Expence of the present War, but, in all likelihood, be a Means to point out Persons of ill Fame or Repute.

And, on the other hand, if such Villains as the Street Robbers should omit to enter their Names, as the Law in that Case might direct, and arm themselves for their bloody Purposes, even with the utmost Carefulness of Concealment, yet they may at certain Times easily be discover'd, it being the Interest of the People in general ever to be assiduous in the Pursuit of them; and, upon their being taken, in such Case it might be deem'd Felony.

#### JUSTITIA.

Other Methods have been proposed, as the immediate Execution of Malefactors as soon as they are condemn'd, whilst the Court is yet sitting; which wou'd take away all Hopes of Reprieve or Pardon: The Inhabitants of the several Districts being well arm'd, and a Number of them watching every Night, in their Turns, &c. Whether any of these Methods will be put in Practice, we know not; but the Magistrates have been very diligent in apprehending Rogues, Thieves and Gamblers; which 'tis hoped will have some good Effect.

From the Westminster Journal, Oct. 13.

I Fear, Mr. Touchet, we may attribute some Part of your ill Success, in your Weekly



Weekly Endeavours for the Good of your Country, to your omitting to touch it in the right Place. You cry aloud against the Behaviour of our Balance-Masters: The distress'd *Israelites* did the same against their Task-Masters. It must be allowed, the Hardships you complain of are great and numerous; but are they not merited? Are not our Masters (as well as the *Egyptians* were) national Scourges in the Hand of Heaven, to punish us for our unbounded Sins and Wickedness? I am apprehensive the true Stress of the Argument lies here; and if so, all the Time spent in composing Harangues to the Great has been thrown away, and should have been in Addresses to the People to reform.

If I had Time to sit down and sift this Matter thoroughly, I hardly doubt but I could evince the Truth of this Position, by apportioning to every Vice its particular Reward, till the whole Scope of Sin and Punishment should be brought upon the Carpet, and appear to the Reader at one View: But that being a Work of infinite Extent, I shall content myself with observing a few of the most material Particulars.—Thus:

For the heinous Sin of Electors, in taking Bribes for their Voices at chusing Members of Parliament

A B——*sh* Army in *Flanders*.

For the Perjuries, &c. consequential thereto

16,000*H*——*ns* in B——*sh* Pay.

For the egregious Stupidity of chusing poor Placemen and beggarly Pensioners to do these Things

Subsidies to *G*——*n* and other insignificant Princes.

For the many Prevarications and Deceits of Tradesmen in their Shops

Neglect of Trade and Convoys.

For the crying Sin of Drunkenness

Excise Laws.

For not finding out the Longitude

Suffering our *N.A.* American Settlements to be sack'd.

And in this Manner might one go on for a Month.—I confess the last Article under the Range of Crimes seems to have too severe a Punishment annex'd to it, and I shall not strenuously insist upon it: But if that is not the Reason we were left defenceless in the Northern Settlements, and our Towns sack'd, and unhappy Fellow-Subjects beggar'd and enslav'd, I should be glad to know what was the true Reason, or your Sentiments of the Matter.

Having now, I hope, made some Progress towards elucidating my Position, I am at Liberty to offer my Advice to my candid Countrymen, and a Proposition to reduce the Hypothesis to the utmost Certainty.—

To the Electors I promise, upon the Faith of a Christian, that if to a Man they refuse all Sorts of Bribes and Gratuities at the next Election, that this Time four Years we have not an Army in *Flanders*; which is more than I will promise if they neglect my Advice. The Excise Laws, Mr. Touchit, are very grievous, and a dangerous Intrusion upon our Liberties; the very Name of them should stink in every *British* Nostril: For God's Sake, advise my poor Countrymen to retrench their inordinate Tipling, and I'll warrant their Abolition; and the like may be said of the rest.

I am aware it may be objected, that I have mention'd the most crying Sins that the Nation is involv'd in, without having taken Notice of the most capital Punishment; and therefore that greatest Punishment, *viz* (our unhappy Intimacy with a Spot of *G*——*n* Furze and Heath, called *H*——) is not accounted for or merited.

—But I beg Leave to observe, that such an Objection would be founded on an Error: The Spot of Furze and Heath is not in itself the Punishment, but the Scourge or Rod with which all the Punishments are inflicted and laid on.

Just as I had wrote thus far, a Relation of mine, a Country Punster, coming into my Study, and seeing your Name superscribed, insisted upon reading what he said he thought would be publick soon. At the Conclusion, where I have call'd *H*—— a Rod, he fell into a prodigious laugh. "A Rod (says he) for *England's* Breech! There's salt Water enough in the great *Atlantick*; 'twere well it should be laid in Brine for her."

THE *Universal Spectator* writing on Humour, concludes—In addressing great

Persons there is a Sort of Humour, which is often more prevalent than Argument. *Tom Brown* possibly had not sav'd his Back, if he had argued gravely to the Lords Justices; but when he made them smile, he obtain'd his Liberty. A very tall Gentleman was made an Officer in a small Ship, where his Cabin was every Way inconvenient. After applying in vain to his Captain, &c. to have it enlarged, he wrote up to the Board, humourously setting forth his Grievance: Who remitted an Order, reciting the Words of the Petition, to this Effect: "Whereas A. B. of his Majesty's Ship the —, has informed us, that he has the Misfortune to be 6 Feet 3 Inches high, and his Cabin is neither in Height nor Length above 4 Feet 6 Inches; whereby he can neither lie, sit, stand, nor kneel at his Devotions; this is to give you Orders to make his Cabin commodious for all those Purposes." Humour here prevailed, and procured the Gentleman a pleasant Voyage.

# 510 The SHEPHERD'S INVITATION.

Sung by Mr. SULLIVAN. The Musick by Mr. LAMPE. The Words by Mr. AYRE.

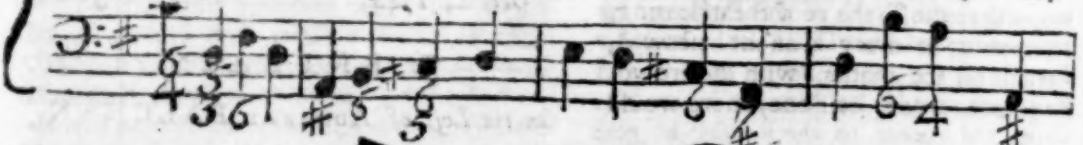
Andantino.



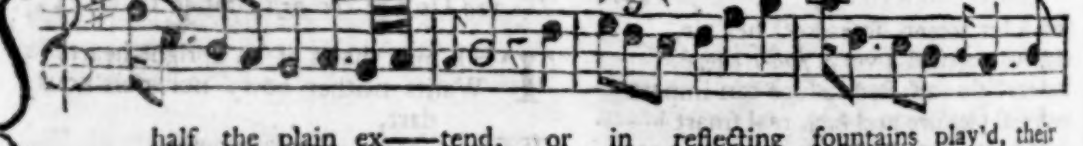
The new-flown birds, the shepherds sing, and welcome in the



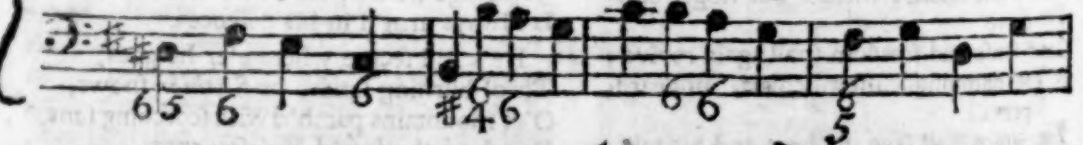
May, come Pas—torcella, now the spring makes ev—ry landkip



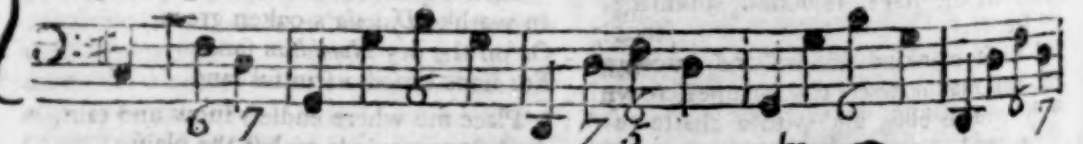
gay. Wide spreading trees their lea—fy shade, o'er



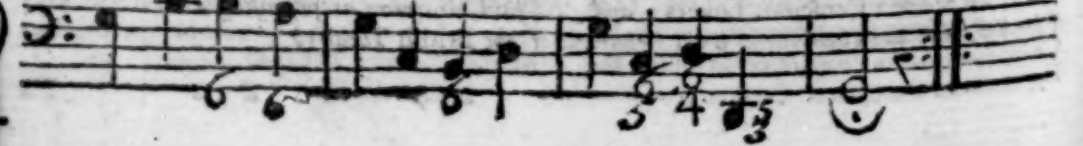
half the plain ex—tend, or in reflecting fountains play'd, their



quiv'ring branches be—nd; their quiv'ring branches bend. Or



in reflecting fountains play'd, their quiv'ring branches bend.





2.  
Come, taste the season in its prime,  
And bless the rising year;  
Oh how my soul grows sick of time,  
Till thou, my love, appear!  
Then shall I pass the gladsome day  
Warm in thy beauty's shine,  
When thy dear flock shall feed and play,  
And intermix with mine.

To Miss \* JENNY CIBBER, in the  
Character of JULIET, in Shakespear's  
Tragedy of Romeo and Juliet.

WHEN Shakespear's genius fir'd young  
Juliet's tongue,

And, with applause, the roof theatric rung,  
The raptur'd Muse her glad assent bestow'd,  
And mixt her acclamations with the crowd.  
Her generous ardour, fair one, more would  
pay,

Take, then, the plaudit of an artless lay,  
Which, too too weak to vindicate thy name,  
Can but congratulate thy rising fame,  
And tell, how sensibly my heart was mov'd,  
When Juliet own'd she passionately lov'd;  
What pain I felt to hear the fond one grieve,  
When banish'd Romeo took his early leave!  
Fixt to remain a true and faithful bride,  
How resolute the sleepy charm she try'd,  
And, waking, plung'd the poniard in her  
side!

So just her accent, so correct her air,  
My soul confess'd a very Juliet there.  
Strange! that affected nature can impart  
Such real pleasure and such real smart!  
Yours is the talent; whence our hopes con-  
ceive

Good sense and freedom shall again revive;  
Where damning custom could, unheard,  
prevail,

Your voice shall save the poet and his tale;  
Who will not listen to your soothing strain?  
Can merit plead an author's cause in vain?

Where innocence and rip'ning beauty  
meet,

A solid judgment and a piercing wit,  
These, on the stage, mankind, admiring,  
see, [thee!

And these mankind admire and trace in  
Still, still may innocence thy fortunes crown  
With virtuous bliss, and with a chaste re-  
nown!

3.  
For thee of doves a milk-white pair  
In silken bands I hold;  
For thee a firstling lambkin fair  
I keep within the fold:  
If milk-white doves acceptance meet,  
Or tender lambkin please,  
My spotless heart, without deceit,  
Be offer'd up with these.

Convince a doubtful and censorious age,  
Youth, uncorrupt, may tread the British  
stage:

Oh! never, nymph, so fair a cause decline,  
But with unfully'd lustre ever shine!

Thus, living, reign in every breast belov'd,  
And stand to late posterity approv'd.

Oct. 4, 1744.

J. E.

### TO BRITAIN.

On the Loss of ADMIRAL BALCHEN.

POrtentous, Britain, were thy early fears,  
The sad, sad prologue of succeeding  
tears!

Thy after-hopes were as a chearing light  
To dying men's expiring sense and sight!  
The shatter'd planks confirm thy Balchen's  
fate,

A wreck like Shovell's, and a loss as great!  
J. E.

The 22d ODE of the first Book of HORACE.

THE man that's of an upright heart,  
Wants neither bow, nor pois'nous  
dart,

Of savage Moors; for innocence  
Is always arm'd in his defence:

He's still secure where e'er he goes,  
Thro' burning sands, or Scythian snows,  
O'er mountains parch'd with scorching suns,  
Or where the fam'd Hydaspes runs.

For lately as I stray'd along,  
And, thoughtless, humm'd myself a song,  
A wolf ran by me in my farm,  
Defenceless, without doing harm:

Such a great monster ne'er was seen,  
In warlike Daunia's baken green,  
Or on the dry Numidian sand,  
For lions brood a fruitful land.

Place me where endless snow and rain,  
And stormy winds molest the plain;

Z z z z

Where

\* Daughter of Mr. Theophilus Cibber, and Granddaughter to Colley Cibber, Esq; his Majesty's Poet-Laureat, about 15 Years of Age. Since writing this Encomium, the young Lady has appeared in some other Characters, to great Advantage, particularly in that of Indiana, in Sir Richard Steele's Conscious Lovers; and, 'tis said, discovers as promising a Genius as any of her Sex, that have been esteem'd the Ornament of the British Theatre.

Where not a summer's whistling breeze,  
With gentle zephyrs fans the trees:

Or place me in the torrid zone,  
Beneath an ever scorching sun;  
Still I fair *M*——we wou'd admire,  
And there in endless bliss expire.

Oxon. Sept. 20, 1744.

*In Answer to a Paragraph in a Letter from  
Charles - Town, South - Carolina, lately  
publish'd in the Papers, which hop'd the  
speedy Return of General Oglethorpe to  
that Part of the World.*

By a LADY.

YOU wish in vain, it cannot be,  
Tho' his appearance would be victory;  
He who so many conquer'd had,  
Is now, himself, a captive made.

The fairest of *Diana's* train,  
For whom so many figh'd in vain,  
Has bound him in her filken chain,  
From whence he'll ne'er get loose again.

The son of *Jove* and *Venus* knew,  
Who bravely fought, could nobly woe,  
And howso'er he dar'd in fight,  
He'd force him yield to lovely *WRIGHT*.

See pleasure on her silver throne,  
Smiling comes, nor comes alone;  
*Venus* moves with her along,  
Led by the fair *Endymion*.

Both charming, graceful, equal, fair,  
*Love* glorying in so bright a pair;  
Fortune and nature both together  
Have left no vacant wish for either.

He noble, generous and brave;  
She all the virtues wise men crave,  
With manly judgment too beside,  
As e'er made hero happy bride.

Now *Hymen* comes! the troop he cheers,  
Not one sad cloud in all appears,  
In saffron robe! in's hand a light!  
His brow how smooth! his torch how bright!

Help, youths and virgins, help to sing,  
The prize which *Hymen* now does bring:  
I too my feeble voice will raise;  
To name but *Oglethorpe*, is praise.

Then cease, ye *Indians*, cease to moan,  
Since now he'll live for times to come;  
A race of heroes she shall bear,  
Will thousand trophies after rear.

Allow he's made a gallant choice,  
Since 'tis approv'd by ev'ry voice:  
Let then your joys be to excess,  
Blessing them, who live to bless.

Had *Abra* in such charms been dress'd,  
How blest the monarch of the east!  
Such flame the wiseman would approve,  
Nor say 'twas vanity to love,

### The GRAMMAR-SCHOOL.

Spoken before the Governours of Merchant-  
Taylors School.

WHEN distant realms at *Athen* learn-  
ing fought,

And his immortal doctrines *Plato* taught;  
With what attention did th' assembled  
youth [truth!

Hang on his lips, and catch each golden  
Nor can the *Muse* neglect the sacred  
spring, [to sing.

Whence she first took her flight and learn'd  
Hail, sacred dome! hail fair *Augusta's* pride!  
Where lib'ral arts, and you, great Sirs,  
preside.

Fair *Science* here to her meridian springs,  
And *Education* shakes her balmy wings.  
*Athen* once more within these walls re-  
vives,

And the fam'd *Stagyrite* in *Priscian* lives.

Say, *Muse*, the science you were early  
taught, [thought.

How words are form'd, the images of  
The tuneful vowels your own lungs  
commend,

And to mute consonants your voices lend.  
These sinking sounds the closing lips confess,  
And those a row of hissing teeth express.  
Others the channels of the nose convey,  
And on the nimble tongue the nimbler let-  
ters play.

The lofty palate swells a fuller note,  
And the hoarse gutt' rals rattle in the throat.  
These we compound, deduce, the order  
change,

From syllable to syllable we range.  
To so minute an origin we owe  
The num'rous words that in a language  
flow. [rise,

So the small brooks from narrow sources  
Swell as they flow, and widen into seas.  
These words the essences of things con-  
vey,

And those the real qualities display.  
These absolute, and fitted for command,  
Substantially on their own basis stand.  
Those relative their kind assistance court,  
And fainting, helpless, call for a support.  
Number to number even is assign'd,  
And to each sex the proper genus join'd.  
*Jove* must not in the feminine bear rule,  
Nor *Juno* wear the breeches in the school.  
*I*, *thou*, and *he*, the viceroys of the *now*,  
Glitter in various colours, not their own.  
These, like a skilful actor on the stage,  
Now personate a lord, and now a page:  
*Is*, or *is not* the subject of debate,  
Affirm, deny, and do the verb create.  
Like *Proteus*, these in various modes delight,  
And singly one of them is infinite:

And



And, like the gods, by their own oracle,  
The *past*, the *present*, and the *future* tell.  
The *particles*, like heralds coats, describe  
How name to name is very near ally'd :  
Or how the *sentences* in numbers flow,  
And the whole chain of thoughts distinctly  
show.

The *interjection*, in no ranks confin'd,  
Fills the void space, or strolling lags behind.  
The parts in order rank'd an army prove,  
And all with one consent in *concord* move.  
*Syntax*, the chief commander of the throng,  
Leads on the fray, and marshals the ha-  
rangoe.

Now all th' artill'ry of the bar is play'd,  
Now lost in all the labyrinths of trade.  
Now from the pulpit flies the list'ning  
throng, [tongue.  
Hangs on the heavenly musick of the  
Each *science* hence her origin receives,  
And her first form from you, great Sirs,  
derives.

Such are the pregnant favours you bestow,  
They swell to mitres and to maces grow.

Cook, of Merchant-Tailors School.

#### The COMPARISON.

OF T, when soft sleep has clos'd a  
wretch's eyes,  
And reason's huddled in a deep disguise ;  
Delusive fancy plays some pleasing scene,  
And cheers his mind with an indulgent  
dream. [night,  
But tho' in bliss he spends the too short  
His cares return with the returning light.

So when my fair one kindly seem'd  
t' approve  
My humble suit, and smil'd upon my love ;  
When mutual vows reciprocally past,  
And seem'd to promise that my bliss shou'd  
last ;  
When the big passion swell'd her heaving  
breast, [fest,  
And conscious blushes generous love con- }  
I thought myself superlatively blest.  
But oh ! too soon I find that mine, like his,  
Was fancy'd joy, and visionary bliss.

On Miss D——n of Camberwell.

BEAUTY alone how frail ! it blooms  
to-day,  
To-morrow hastens to its quick decay.  
But where auspicious heaven is pleas'd to  
join  
Transcendent beauty to a soul divine ;  
Where smiles and graces unaffected sit,  
Where void of satire flows enchanting wit ;  
Where every virtue shines serenely clear,  
To spiteful envy where no faults appear :  
Such D——n shall to latest breath retain,  
Such, only such, intomb'd in earth remain ;  
When to her native heav'n she shall repair,  
Her presence too shall crown the blessings  
there.

#### An EPITAPH on an OLD MAID.

Written at the Request of a Lady who ranks  
herself in that Class.

BENEATH this stone lies *Flavia's* sad  
remains,  
Who, living, felt the worst of human pains :  
Delusive hope, in pleasure's bright disguise,  
In life's *first bloom*, appear'd before her eyes.  
In *ripen'd age* the distant bliss she view'd,  
And steadfast still the wish'd-for good pur-  
su'd : [prize ;  
In midnight dreams she often grasp'd the  
But waking, oh ! the fancied pleasure dies.  
Next *fear*, unquiet guest, assum'd her sway,  
And *grief* and *envy* stole her charms away ;  
*Despair* at last its dreadful banner rear'd,  
No more she fondly hop'd, no more she  
fear'd. [ed fate,  
Her speaking looks proclaim'd her wretch-  
For in her face, *chagrin*, triumphant fate ;  
Of hopes bereav'd, o'ercome by black de-  
spair, [pray'r :  
To heaven she sent this last concluding  
" Release me, heaven ! O grant my wish,"  
she cry'd ; [dy'd.  
The boon was granted, and she straitway  
Hence reader judge if all is true that's said,  
At fifty-four, unask'd, she dy'd a maid.

#### ROGER and DOLLY.

WHAT muse t' invoke I cannot tell,  
To aid my mirthful lays,  
To chant forth *Roger's* well-known skill,  
And *Dolly's* matchless praise.  
I've saunter'd round *Parnassus'* brow,  
To court the haughty Nine ;  
But they refuse to themes so low  
A helping hand to join.  
Then, gen'rous juice of grape or grain,  
In bottle or in cask,  
May all your pow'rs my flight sustain,  
'Till I compleat my task !  
Than *Roger*, sam'd of all the lads,  
None better held the plow :  
Than *Dolly*, 'mong the rural maids,  
None better milk'd her cow.  
*Roger* is learn'd in rustick arts,  
And how his dame to please :  
*Dolly* as well displays her parts,  
Whene'er she makes her cheese.  
*Roger*, when o'er his nappy ale,  
At pun is wond'rous witty ;  
*Dolly* has many a merry tale,  
And at a dance can hit ye.  
May sons and daughters, num'rous, spring  
From this prolific pair,  
And parent-like in every thing  
Their every virtue share !  
Their mutual joys in *Hymen's* train  
May providence befriend,  
And their descendants ev'n remain,  
Till time itself shall end !

COL.

## COLLIN'S COMPLAINT.

**D**ESPAIRING beside a clear stream,  
A shepherd forsaken was laid;  
And while a false nymph was his theme,  
A willow supported his head:  
The winds that blew over the plain,  
With a sigh to his sighs did reply:  
And the brook in return to his pain,  
Ran mournfully murmuring by.  
Alas! silly swain that I was,  
Thus sadly complaining he cry'd:  
When first I beheld that fair face,  
'Twere better by far I had dy'd.  
She talk'd, and I blest'd the dear tongue,  
When she smil'd 'twas a pleasure too great;  
I listned, and cry'd while she sung,  
"Was nightingale ever so sweet?"

How foolish was I to believe,  
She could doat on so homely a clown;  
Or that her fond heart would not grieve  
To forsake the fine folks of the town?  
To think that a beauty so gay,  
So kind and so constant wou'd prove;  
Or go clad like our maidens in grey,  
And live in a cottage on love?  
What tho' I have skill to complain,  
Tho' the muses my temples have crown'd;  
What tho', when they hear my soft strain,  
The virgins sit weeping around?  
Ah! *Collin*, thy hope is in vain,  
Thy pipe, and thy honour resign,  
Thy fair one inclines to a swain,  
Whose musick is sweeter than thine.

And you my companions so dear,  
Who sorrow to see me betray'd;  
Whatever I suffer, forbear,  
Forbear to accuse the false maid.  
Tho' thro' the wide world we should range,  
'Tis in vain from our fortune to fly;  
'Twas hers, to be false, and to change,  
'Tis mine, to be constant, and die.  
If, while my hard fate I sustain,  
In her breast any pity is found;  
Let her come with the nymphs of the plain,  
And see me laid low in the ground.  
The last humble boon that I crave,  
Is to shade me with cypress and yew,  
And when she looks down on my grave,  
Let her own that her shepherd was true.  
Then to her new love let her go,  
And deck her in golden array;  
Be finest at every fine show,  
And frolick it all the long day;  
While *Collin* forgotten, and gone,  
No more shall be talk'd of or seen;  
Unless that beneath the pale moon,  
His ghost shall glide over the green,

*The same in LATIN.*

**D**esertus queritur crudeles pastor amo-  
res,  
Ad ripas queritur dulce fluentis aquæ.  
Amisam, falsam dolet exspes ille puellam,  
Dum caput oppressum fulcit amara salix.  
Dum gemit hic, mitis leni gemit aura fu-  
furro;  
Lento, lugubri labitur unda sono.  
Me miserum! prius O si mors clauderet  
ocellos, [mihi!  
Quàm visa est nymphæ forma venusta  
Flebilis ah semper, placituraq; semper imago,  
Præsens ante oculos nocte dieq; manet.  
Hæsi, dum loquitur, charo narrantis ab ore;  
Vix, cum subridet, credere posse datum est.  
Attentus dixi, cecinit cum pulchra puella,  
"Tam dulce ingeminat non Philomela  
" melos."

Rusticus ipse miser tali sum dignus amore?  
Deferet hæc urbem, ruraq; dura colet?  
Rura inamœna lubens habitabit splendida  
nymphæ?  
Tam pulchro constans pectore fixa fides?  
Induet hæc crassas vestes, ut rustica Phyllis,  
Solutus eritq; casâ dulce levamen amor?

Quorsum gratus ego musis, & carmine clarus!  
Quorsum circundant laurea ferta caput?  
Quamvis cum molles nymphæ audivere que-  
relas,  
Fletibus effusis ora rigare solent:  
Ah Damon, Damon! animum spe pascis inani:  
Sit tibi jam calamus sitq; relictus honor.  
Eheu! namq; alium sequitur tua cura Lycoris\*,  
Qui melius tractat fila canora lyra.

Et vos, qui nostro doluistis sæpe dolore,  
Cum sprevit crebras ferrea virgo preces;  
Parcite crudelem petulanti lædere linguâ,  
Etsi animo requies non datur ulla meo.  
Nam licet extorres toto jactemur in orbe;  
Fortuna extorres usq; parata sequi est.  
Ah nymphæ inconstans duxisti leniter ævum:  
Me, me constantem fata perire jubent.  
O sibi siqua manet clementia pectore casto,  
(Dum cogor miserum ferre doloris onus)  
Nympharum accedat clarâ stipante coronâ,  
Dum capiet cineres frigida terra meos.  
Extremum hoc oro munus concedat amanti;  
Tristes cupressus hæc struat alma manu:  
Fidi & pastoris verum fateatur amorem,  
Quando sævitæ mœsta trophæa videt.  
Tum connubia læta, atq; optatos hymenæos,  
Jungat; & auratas induat illa togas;  
Atq; inter pulchras radiet pulcherrima virgo,  
Hanc & lætitiæ blanda corona beet:  
Dum ex animo infelix facies Damonis abibit,  
(Ah facies quondam quæ sibi grata fuit!)  
Si non per sylvas, & per deserta locorum,  
Nocte intempestâ labitur umbra levis.

THE



# T H E Monthly Chronologer.

TUESDAY, OCT. 2.



ONE hundred and eighteen Persons that had been sentenc'd to Transportation for Robberies and other Crimes, in London and several Parts of the Country, were this Day put on board a Vessel for the Plantations. 'Tis remarkable, that there were among them 85 Females, and but 7 of them more than 18 Years of Age.

FRIDAY, 5.

Six of the Malefactors condemn'd the two last Sessions at the *Old Baily*, were this Day executed at *Tyburn*, viz. *Luke Ryley*, *John Mackevoy*, *Thomas Bonney*, *Thomas Wright*, *William* and *Sarah Cox*. *James Gulliland*, for uttering a counterfeit Will, was pardon'd, and the rest order'd to be transported. (See p. 359, 464.) Great Application was made to save *Ryley*, and one Person had 1000*l.* offer'd him to get him off, even with Transportation. And 'twas said, that in the Application to some particular People, Mention was made of his being a *Catholic*.

SATURDAY, 6.

The Squadron commanded by Sir *John Balchen* return'd to *Portsmouth*, with the Admirals *Martin* and *Stewart*, from their Cruise off *Cape St. Vincent*. Sir *John Balchen* in the *Victory*, the finest First Rate Ship in the Navy, was separated from them by a violent Storm off *Scilly*; and after great Impatience to hear of his Safety, the melancholy News came of his being cast away near the *Race of Alderney*; by which Accident Sir *John* himself, with the whole Crew, consisting of near 1000 Men, and above 100 Gentlemens Sons, Volunteers, unhappily perish'd in the Waves.

TUESDAY, 9.

The Rt. Hon. *Henry Pelham*, Esq; was unanimously chose a Governor of the *Charter-House*, in the Room of the late Duke of *Chandos*.

WEDNESDAY, 10.

This Night a Fire broke out in the House of Sir *Philip Meadows*, Knight Marshal of his Majesty's Household, and Comptroller of the Accounts of the Army, in *Surrey-Street* in the *Strand*; which entirely consum'd the same, with all the Writings belonging to the Army, and the Household Furniture; and damag'd some other Houses.

FRIDAY, 12.

The Rt. Hon. the Earl of *Stair* was

unanimously chosen one of the 16 Peers for *Scotland*, in the Room of the Earl of *Lauderdale*, deceas'd.

By his Majesty's Order, a Letter was wrote by the Duke of *Newcastle*, to the Attorney and Solicitor General, for them to prepare a Bill to pass the Great Seal, for recommending to the Subjects of this Kingdom the making a Loan of 200,000*l.* to the King of *Sardinia*, for the more effectually carrying on the War in *Italy*; for the Re-payment of which Sum, and Interest, at the Rate of 6*l.* per Cent. his *Sardinian* Majesty will engage all his Revenues, and any future Subsidies that may be granted him by this Crown.

SATURDAY, 13.

This Day the Lord Mayor and Aldermen of *London* waited on his Majesty at *Kensington*, with the following Address.

*Most Gracious Sovereign,*

WE your Majesty's most dutiful and loyal Subjects, the Court of Lord Mayor and Aldermen of the City of *London*, having taken into Consideration the many Disorders and Robberies which have been committed within these few Weeks last past, in the Streets of your loyal Metropolis, beg Leave to approach your Throne, and humbly to represent to your most sacred Majesty,

That divers Confederacies of great Numbers of evil-disposed Persons, arm'd with Bludgeons, Pistols, Cutlasses, and other dangerous Weapons, infest not only the private Lanes and Passages, but likewise the publick Streets and Places of usual Concourse, and commit most daring Outrages upon the Persons of your Majesty's good Subjects, whose Affairs oblige them to pass thro' the Streets, by terrifying, robbing and wounding them; and these Facts are frequently perpetrated at such Times as were heretofore deem'd Hours of Security.

That the Officers of Justice have been repuls'd in the Performance of their Duty, some of whom have been shot at, some wounded, and others murder'd, in endeavouring to discover and apprehend the said Persons, by which Means many are intimidated from duly executing their Offices, and others put in manifest Danger of their Lives.

These unhappy Circumstances do, as we apprehend, tend greatly to weaken the  
2 Hands

Hands of the Magistrates, and render the Laws ineffectual.

It is to us a most alarming Consideration and Matter of great Grief, that these Crimes should, in so short a Time, have grown to so great a Height; and we beg Leave humbly to assure your Majesty, that we will vigorously, and with the utmost Diligence, apply ourselves to restrain these Violences, and detect the Authors of them.

Permit us, Sir, to express our Hopes, that a speedy, rigorous and exemplary Execution of the Laws upon the Persons of Offenders, as they shall fall into the Hands of Justice, may, under your Majesty's Princely Wisdom, conduce greatly to the suppressing these Enormities, by striking Terror into the Wicked, and preventing others from entering into such evil Courses.

We thought it our indispensable Duty, to lay these Facts, and our Apprehensions upon them, before your Majesty, not doubting but we shall receive effectual Support, and your good Subjects all possible Security from your Majesty's Authority and fatherly Protection.

His Majesty's most gracious Answer.

**T**HE Concern you express for the great Disorders mention'd in this Address, and the Assurance you give me of exerting your utmost Endeavours to detect and suppress them, are very agreeable to me, and cannot fail to have a good Effect. Nothing shall be wanting on my Part to put the Law in Execution; to support the Magistrates; rigorously to punish such heinous Offenders; and to protect the Persons and Properties of my good Subjects: And I will give immediate Orders, that the most effectual Methods be taken for these Purposes.

They were received very graciously, and had all the Honour to kiss his Majesty's Hand.

Orders were sent to the Islands of Jersey and Guernsey, to put all their Castles and Forts into a proper Posture of Defence; accordingly 200 Pieces of Cannon were order'd to be shipp'd immediately from the Tower for that Purpose: And also, that all the Forts, Castles, Garisons, &c. in England, be double garison'd during the Winter, for the better Defence of the Kingdom.

FRIDAY, 19.

The Sessions ended at the Old Bailey, when the seven following Malefactors received Sentence of Death, viz. Peter Veltgen, for breaking open the House of Mr. Pinchock in Pall-Mall; Francis Moulter, for a Rape; Richard Lee, alias Country Dick, for robbing Mr. William Price; Anne Gwynn, and Anne Wells, alias Barefoot, for robbing William Hamilton of 12s. 6d. at a House in Black-Boy-Alley in Chick-Lane; Anne Duck, an old Offender (with the above Anne Barefoot) for robbing Mr. George Chester of 4d. on the Highway, near Black-Boy-Alley; Sa-

muel Ellard, a Butcher, for returning from Transportation.

SATURDAY, 20.

The Lord Viscount Fitzwilliams, Sir Charles Hanbury Williams, Sir William Marden Harbord, Sir Henry Colbroke, Sir William Whitmore and Sir John Cope, were install'd with great Pomp, in Henry VIIIth's Chapel, Knights of the Most Hon. Order of the Bath; as were, at the same Time, by Proxies, Sir Thomas Robinson, Envoy Extraordinary at Vienna, Sir John Legonier, Sir Philip Honeywood, and Sir James Campbell, who are all four abroad.

Since the Magistrates and Peace Officers of London, Middlesex, and Westminster, have exerted themselves, with the Assistance of some of the Foot-Guards, to apprehend disorderly Persons, Robberies have not been so frequent as before. Fifteen or sixteen such Persons were seiz'd in Black-Boy-Alley in Chick-Lane: About twenty were taken up in Bow-Street and Parts adjacent; and several in other Places.

The French King having order'd an exact Account to be drawn up of all the Losses sustained by the Merchants of France, in America as well as in the Mediterranean and the Ocean, the same was presented to him on the 1st Instant, N. S. The total Amount was 40,000,000 of Livres.

The Colchester, a fine 50 Gun Ship, was lost in her Passage from Harwich; but the Crew were happily sav'd.

MONDAY, 29.

Henry Marshall, Esq; the new Lord Mayor of London, was sworn in at Westminster, with the usual Ceremonies.

TUESDAY, 30.

Was celebrated the Anniversary of his Majesty's Birth-Day, who then enter'd into the 62d Year of his Age.

Capt. Young, of his Majesty's Ship the Kinsale, mann'd a Prize, and sent her, in Company with 3 Privateers, into the Harbour of Fishotte in Newfoundland; and before these last could get in, the Prize, after an Engagement of above five Hours, took the following French Ships, viz.

Names.	Men.	Guns.	Quintals of Fish.
St. Dennis,	53	14	3000
Jafon,	80	14	4000
Marquis de Se,	86	14	5000
Duc du Penthièvre,	48	12	2000
Moderate,	75	12	4000

MARRIAGES and BIRTHS.

**C**HARLES Allix, Esq; Son to the Dean of Ely, to Miss Kath. Green, Daughter to the late Bishop of that See.—Mr. Alderman White, the present Mayor of Cambridge, to the Widow of the late Mr. King, the famous Musician.—Thomas Ryley Blanchly, Esq; Chief Clerk in the Admiralty-Office, to Miss Jenny Allen.—John Ford,



*Ford*, Esq; Counsellor at Law, to Miss *Dolly Wilbrabam*, Daughter to *Randal Wilbrabam*, of *Cheeshire*, Esq; Memb. of Parl. for *Newcastle under Line*.—Right. Hon. the Earl of *Lincoln*, to the Hon. Miss *Pelham*, eldest Daughter to the Rt. Hon. *Henry Pelham*, Esq;—*William Baker*, Esq; to Miss *Sally Hatt*, of *Norwich*.—Mr. *Will. Gyles*, an eminent Distiller, Partner with Sir *Robert Ladbroke*, to Miss *Mayne*.—*John Morton*, of the *Inner-Temple*, Esq; to the youngest Daughter of *Paul Jedrill*, Esq;—Lady Viscountess *Moleworth*, deliver'd of a Daughter.—Lady of *Francis Canning*, of *Warwickshire*, Esq; of a Son and Heir.—Lady *Noel Somerset*, of a Son and Heir.—Countess of *Roths*, of a Son and Heir.—Lady of *Charles Gore*, Esq; Memb. of Parl. for *Hertfordshire*, also of a Son and Heir.

## DEATHS.

**L**ORD *Crichton*, only Son of the Earl of *Dumfries*.—Mr. *Ramsay*, one of the Professors of Philosophy at *St. Andrews* in *Scotland*.—Lady Dowager *Bunbury*, Mother to Sir *Will. Bunbury*, Bart.—*Richard Norris*, Esq; in the Commission of the Peace for *Kent*.—Rt. Hon. the Lord *Beauchamp*, on his Travels, only Son of the Earl of *Hertford*, and only Grandson (in the Male Line) of his Grace the Duke of *Somerset*.—Counsellor *Rider*, Cousin to Sir *Dudley Rider*, Knt. Attorney General.—Dr. *Daniel Meadows*, an eminent Physician at *Ipswich*.—*Richard Ducane*, Esq; sen. at his Seat at *Coggeshal* in *Essex*, an eminent Merchant in *Pancras-Lane*.—*Samuel Clark*, of *Alkham* in *Yorkshire*, Esq;—Her Grace the Dutchess Dowager of *Marlborough*, Relict of the renowned *John Duke of Marlborough*, in the 84th Year of her Age. By her Death an Estate of 30,000*l.* per Ann. devolves to the present Duke of *Marlborough*, with *Blenheim House*, and 5000*l.* a Year settled on the Family by Act of Parliament. She has left 20,000*l.* to the Earl of *Chesterfield*, and 10,000*l.* to *William Pitt*, Esq; Her Executors are the Earl of *Marchmont*, the Bishop of *Oxford*, Dr. *Stevens*, and Counsellor *Brown*.—Lady *Isbam*, Relict of the late Sir *Justinian Isbam*, Bart.—*James Cardenell*, Esq; one of the Commissioners of the Customs for *Scotland*.—Lady *Mill*, Wife of Sir *Richard Mill*, Bart.—Lady *Grace Granville*, Relict of *George Lord Carteret*, and Daughter of the Right Hon. *John Granville*, Earl of *Bath*. His late Majesty created her Ladyship Viscountess *Carteret*, and Countess of *Granville*, with Limitation to *John Lord Carteret*, her only surviving Son, now Earl of *Granville*.—Hon. *William Byrd*, Esq; President of the Council in *Virginia*.

## Ecclesiastical PREFERMENTS.

**W**ILLIAM *Freind*, A. M. made a Prebendary in *Westminster Abbey*, in the Room of his Father Dr. *Freind*, who re-

sign'd.—Mr. *Richard Lyne*, and Mr. *Stephen Slesch*, made Chaplains in Ordinary to his Majesty.—*Benj. Lane*, M. A. presented to the Rectory of *St. Andrews* in *Droitwich*, *Worcestershire*.—Mr. *Broughton*, of the *Temple*, (Author of the *Historical Dictionary of all Religions*) presented by the Lord Bishop of *Salisbury* to a Prebend in the Cathedral of *Salisbury*, with the Vicarage of *St. Mary Redcliffe* in *Bristol* annex'd.—*Algernon Frampton*, M. A. to the Rectory of *Tokenham* in *Wilts*.—*William Gonforth*, M. A. to the Rectory of *Barton* in *Norfolk*.—Mr. *Adams*, to the Vicarage of *Stalham* in *Norfolk*.—Mr. *Will. Harvey*, to the Vic. of *Tineham* *St. Martin* in *Norfolk*.—Mr. *Palter Forester*, to the Rectory of *Knapwell* in *Cambridgeshire*.

## PROMOTIONS Civil and Military.

**H**ON. *John Hill*, Esq; one of the Commissioners of the Customs, made Governor of the Town and Castle of *Scarborough*.—Capt. *Pye* made Capt. of the *Norfolk*, an 80 Gun Ship.—*Tatton*, Esq; Son to the late Gen. *Tatton*, made an Ensign in the First Reg. of Foot-Guards.—Ensign *Lloyd*, of the First Reg. of Guards, made a Lieut. in the Battalion of the said Reg. now in *Flanders*.—Rt. Hon. *William Anne*, Earl of *Albemarle*, Major Gen. of the Forces, made Col. of the 2d Reg. of Foot Guards, in the Room of the Duke of *Marlborough*.—Capt. *Charles Stevens* made Commander of the *Portland*, and Capt. *Rogers* of the *Maidstone*, both 50 Gun Ships, lately launched.—Brig. *Carpenter* made an Exempt; Capt. *Barnett*, Adjutant; and *Edw. Morris*, Esq; Sub-Brigadier in the 2d Troop of Life-Guards.

## [Bankrupts in our next.]

Abstract of the *LONDON WEEKLY BILL*, from Sept. 25. to Oct. 23.

Christned	Males	562	1068
	Females	506	
Buried	Males	706	1438
	Females	732	
Died under 2 Years old			547
Between	2 and	5	89
	5	10	51
	10	20	42
	20	30	119
	30	40	144
	40	50	147
	50	60	120
	60	70	84
	70	80	69
	80	90	23
	90 and upwards		3

1438

May 48 to 50*l.* a Load.

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THE Siege of *Coni* having been begun by the *Spanish* and *French* Army, under the Command of Don *Philip* and the Prince of *Conti*, the same was carried on by the Besiegers with great Diligence and Vigour; but such frequent Sallies were made by the Garison, and the Works so much retarded by the Rains, that they had made but a small Progress before the nineteenth of last Month; when the King of *Sardinia*, having received all the Reinforcements he expected, marched up to endeavour to raise the Siege by attacking the Enemy, who had made a proper Disposition for repulsing the Attack; and, upon the other Hand, the Disposition made by the King of *Sardinia* for carrying it on was so good, that it was admired even by all the Enemy's Generals. The Battle began about one o'Clock, and the *Piedmontese* Troops made three several Attempts to break in upon the Enemy; but as the *French* Soldiers were ashamed to fly in Sight of the *Spaniards*, and the *Spaniards* as much ashamed to fly in Sight of the *French*, they both stood their Ground with such Firmness, that tho' the *Piedmontese* Troops attacked, each Time, with all imaginable Vigour and Briskness, they were always repulsed with great Slaughter; and, at last, towards Evening, his *Sardinian* Majesty found it necessary to draw them off; whereupon they retreated, without Confusion, to the Camp they had marched from the preceding Day. According to the *French* Account his *Sardinian* Majesty lost, in this Battle, between 4 and 5000 Men; whereas, according to the Accounts from *Turin*, he had but 964 Men killed, and 1372 wounded; and of the Body of *War-radiers* in his Army, there were 150 killed, and 366 wounded, the Colonel of which Corps, it is said, after having received three Musket-Shots in his Body, advanced, and, with his own Hand, seized upon the Colours of the *Spanish* Grenadiers, whom they attacked: But as to the Loss of the *French* and *Spaniards*, we have no Manner of authentick Account; from whence it may be judged, that it was no Way inferior to that of the *Piedmontese*.

On the 27th, his *Sardinian* Majesty again, assembled all his Troops, and made a March as if he intended a second Time to attack the Enemy; but it soon appeared, that his Design was only to throw a Reinforcement of 1400 Men into *Coni*, which he effected by means of the heavy Rains; and, as soon as he had done this, he retired to his former Camp; soon after which, he moved towards *Saluz*, where he seems to intend to wait the Event of the Siege of *Coni*, which in all Appearance, will spin out to a great Length; especially as the Besiegers have

been obliged, on account of the Inundations, to withdraw their Men from the advanced Works, and turn the Siege into a Sort of Blockade, by which they can hardly expect to succeed, as Provisions are more scarce in the Camp of the Besiegers, than in the Place besieged: Nay, it is even said, that the Besiegers, after having made a general Assault, and being repulsed with the Loss of 3000 Men, had, in a general Council of War, resolved to raise both the Siege and Blockade, to demolish the Fortifications of *Demon*, and to retire with their Army to take up their Winter Quarters in the Territories of *France*.

As to the Siege of *Fribourg* by the *French*, it seems, likewise, to go on but heavily; for there, likewise, the Garison behave with the utmost Bravery, and by vigorous Sallies often ruin the Works and demolish the Batteries of the Besiegers: However, on the 8th and 9th Instant, the Besiegers made themselves Masters of the covered Way, after a most obstinate Defence; by which, according to their own Accounts, they lost 2100 Men killed and wounded. In the mean Time the covering Army, as there is no Army to oppose them, have, by Detachments, made themselves Masters of all the Forest Towns and other Places belonging to the House of *Austria* in *Swabia*, which they have taken Possession of in the Name of the Emperor.

And as to the Armies of Prince *Charles* and the Emperor, which, in our last, we left upon their March, the former towards *Bohemia* to oppose the King of *Prussia*, and the latter towards *Bavaria*, to recover it for the Emperor, that of Prince *Charles* arrived at *Waldmunchen* upon the Frontiers of *Bohemia* the 13th of last Month, and Prince *Charles* being returned from *Vienna* to the Army, on the 16th, they marched towards *Piseck*, near which Place they were incamped on the 21d, and the *Prussians* were then incamped between *Budweis* and *Neubaus*; but as a Body of near 25,000 Saxons, under the Duke de *Saxe Weissenfels*, were in full March to join Prince *Charles*'s Army, and did actually join it the 13th, his *Prussian* Majesty, with his Army, retired, first towards the *Sazavca*, which River he was at last obliged to pass, and, by our last Accounts, was incamped near *Prague*, intending, it seems, to avoid a Battle, because he expects, that the *Austrians* will soon be obliged to march back to the Defence of *Upper Austria* against the Imperial Army. In the mean Time, the *Austrians* have, upon his Retreat, made themselves again Masters of *Budweis*, *Tabor*, and all the Countries between *Prague* and *Upper Austria*, where they have killed



a great many of the *Prussian* Troops, and have taken some Thousands Prisoners.

The Emperor's Army under Count *Seckendorff*, having marched through *Swabia*, entered *Bavaria* towards the Middle of last Month, and, on the 20th, made themselves Masters of *Donauwert*, the *Austrian* Army, under General *Bernclau*, having retired on their Approach: From thence they marched directly towards *Munich*, without attempting to besiege or take *Ingolstat*, which is well fortified, and provided with a strong Garrison of *Austrians*. As the latter have not an Army sufficient to withstand the Imperial, which is 35,000 strong, besides the *French* Army that is following them, they have evacuated all the Places they possessed in *Bavaria* on this Side the River *Iser*, except *Ingolstat*, and have razed the Fortifications of *Straubingen*; and on the 5th Instant, General Count *de St. Germain*, with a Detachment of the Imperial Army, retook Possession of *Munich*, the *Austrian* Army having retired the Day before towards the *Iser*, and are now encamped between that River and the *Inn*.

The same Day the Imperialists took Possession of *Munich*, his Imperial Majesty set out from *Frankfort*, to go and put himself at the Head of his Army, and three Days after his Departure, his principal Commissary, the Prince *de la Tour Taxis*, presented to the Diet a commissorial Decree, containing in Substance as follows:

'The Emperor, being sway'd by his Love for the Country, and willing to discharge his Duty to the Empire, the Government of which the Almighty has put into his Hands, as well as what he owes to his Electoral House, and to his faithful Subjects, who groan under the Enemy's oppressive Hand, and expect their Deliverance from his Imperial Majesty; he has just taken the generous Resolution to go and put himself at the Head of his Army, to the End that he may, under the Protection of the Lord of Hosts, who can only give a solid Peace, endeavour at the Means to restore Tranquillity to our dear Country, Germany, maintain the tottering System of the Empire, deliver out of the Enemy's Hands one of the principal Estates of the Germanick Body, and re-establish the General Dyet in its usual Place of Residence. The Mediation offer'd by the Empire, will be always extremely agreeable to the Emperor; and if, by this Means, it be yet possible to bring about an amicable Accommodation, of all Methods it will be the most pleasing to his Imperial Majesty, &c.'

In order to oppose this Imperial Army the Queen's brave and faithful Subjects, the *Hungarians*, are raising a new Army, to be commanded by the famous Count *John*

*Palfy*, and 25,000 of them are already arrived at *Hollisch* upon the Frontier of *Hungary* near *Vienna*, where the Queen and great Duke were to go to review them; and her Majesty being sensibly affected with the Zeal of Count *Palfy*, who, notwithstanding his great Age, resolved to put himself at the Head of that Army, has sent him a very fine Horse, richly caparison'd, which she used to mount herself, with a gold-hilted Sword set with Diamonds and other precious Stones, and a Ring of great Value: With which Presents her Majesty sent the following Billet under her own Hand.

'Father *Palfy*,

'Receive this Horse, worthy to be mounted by the most zealous of my faithful *Hungarians*; accept this Sword, to defend me against my Enemies; and take this Ring as a Token of my Affection for you.'

*Maria Theresa.*

The Farce of a Campaign in *Flanders* is now over, both Armies being retired into Winter Quarters; and nothing extraordinary has happened since our last between the *Austrian* Army in *Italy*, commanded by Prince *Lobkowitz*, and the *Spanish* and *Neapolitan* Army commanded by his *Sicilian* Majesty.

The following Letter, written by the high Chancellor and Vice-Chancellor of *Russia*, to the Lord *Tirawley*, our Minister at that Court, in Answer to his Excellency's Demand of the 12,000 *Russian* Troops, will shew what we have to depend on from that Court.

My Lord,

IF we have hitherto delay'd answering the *Pro-Memoria* which your Excellency presented the 17th of last *June*, and the Letter you sent us the 18th of the following Month, this Delay, as you yourself observe, proceeded from nothing but the Hurry of Business we were in, together with the Empress's Departure for *Kiew*.

Nevertheless, we did not lose Sight of the Requisition which your Excellency made in the Name of the King of *Great Britain*, concerning the Succour of 12,000 Men, stipulated by the Alliance of 1743.

The Empress being accustomed to keep her Word faithfully, and being determin'd, besides this just Motive, by her particular Esteem for the King your Master, her Imperial Majesty would not have delay'd so much as one Day to fulfil this Engagement, if there had been a sufficient Body of Troops at hand in the Provinces on the *Baltick*, and if the like Number had not been sent last Year to *Sweden*, from whence they were expected back every Hour.

Tho' it was judg'd proper, after those Troops

Troops had been upwards of eight Months abroad, to make them land at *Cronstadt*, that they might be canton'd in the Heart of the Empire, yet her Imperial Majesty, after the Demand made by your Court, immediately gave Orders for transporting this Corps directly to *Rewel*, and sending them from thence into *Livonia*, to the End that it might there be provided in time with all Sorts of Necessaries, as well as with Artillery,

As to the rest, your Court itself will no doubt acknowledge, that this late Season no longer permits us to transport, this Year, by Sea, the Body of Troops in Question, and that we can much less make them take by Land the Route they should keep, in order to go to the Places where his Britannick Majesty may think proper to employ them.

This, my Lord, is what we are order'd to signify to your Excellency, by her Imperial Majesty's express Command. We don't doubt in the least but that you will do Justice to the earnest and sincere Desire which the Empress has to contribute, on her Part, to cement, more and more, the strict Union and Friendship which she happily preserves with the King your Master.

We have the Honour to be, with the most perfect Esteem and Consideration,

Your Excellency's,

Most humble,

And most obedient Servants,

Alexis, Count of Bestucheff-Rumin,  
Count Michael Woronzoff.

As to the Kings of *Sweden* and *Denmark*, the former has acceded to the *Frankfort Alliance* as Duke of *Pomerania*; and the latter has declared to Mr. *Tisley*, the *British* Minister, his Resolution, to take no Share in the present Broils of *Europe*. And as to the *Dutch*, they seem still resolved not to fight, but negotiate; for which Purpose they have sent Ministers to several Princes of the Empire, probably to feel likewise their Pulses as to the present Differences in *Europe*; for that Republick is too wise to imagine, that she can direct the Councils of independent States, or to run headlong into a War, before she has formed such an Alliance as may have a Chance at least for carrying it on with Success, and concluding it with Glory and Advantage.

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[The rest of the Books in our next.]